

**LIBRARY**  
**SUPREME COURT, U. S.**

**APPENDIX**

Supreme Court  
**FILE**

**JUL 5**

**MICHAEL RODIN**

**Supreme Court of the United States**

**OCTOBER TERM, 1973**

**No. 72-1057 RECEIVED**

**JUL 5 - 1973**

**UNITED STATES OF AMERICA, Petitioner,**  
**OFFICE OF THE CLERK  
SUPREME COURT,**

**—v.—**

**DOMINIC NICHOLAS GIORDANO**

**UNITED STATES OF AMERICA,**

***Petitioner,***

**—v.—**

**DOMINIC NICHOLAS GIORDANO, ET AL.**

**ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FOURTH CIRCUIT**

**PETITION FOR CERTIORARI FILED JANUARY 31, 1973  
CERTIORARI GRANTED MARCH 26, 1973**

# Supreme Court of the United States

OCTOBER TERM, 1973

No. 72-1057

---

UNITED STATES OF AMERICA,

*Petitioner,*

—v.—

DOMINIC NICHOLAS GIORDANO

---

UNITED STATES OF AMERICA,

*Petitioner,*

—v.—

DOMINIC NICHOLAS GIORDANO, ET AL.

---

ON WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE FOURTH CIRCUIT

---

## INDEX

	Page
Relevant docket entries .....	1
Affidavit of Wayne A. Ambrose, Jr., Special Agent, BNDD, of October 8, 1970 in Support of Installation of a Pen Register on Telephone Number 685-0211 .....	5
Order for Installation of Pen Register filed October 8, 1970..	18
Application of Francis S. Brocato, Assistant U.S. Attorney, dated October 16, 1970 for an Order Authorizing the In- terception of Wire Communications .....	21
Letter from Will Wilson dated October 16, 1970 to Francis S. Brocato, Assistant U.S. Attorney .....	25

## II

### INDEX

	Page
Affidavit of Wayne A. Ambrose, Jr., Special Agent, BNDD, dated October 16, 1970 in support of application for wire interception order .....	26
Affidavit of Abraham L. Azzam, Group Supervisor, BNDD, dated October 16, 1970 in support of application for wire interception order .....	47
Order dated October 16, 1970, authorizing the interception of wire communications .....	49
Application and Amended order dated October 20, 1970 authorizing the interception of wire communications .....	52
Affidavit of Wayne A. Ambrose, Jr., Special Agent, BNDD, of October 22, 1970 in Support of Extension of Pen Register on Telephone Number 685-2332 .....	54
Extension Order for Installation of Pen Register dated October 22, 1970 .....	57
Application of Francis S. Brocato, Assistant U.S. Attorney, dated November 6, 1970 for an Extension of an Order authorizing the Interception of Wire Communications .....	60
Letter from Will Wilson dated November 6, 1970 to Francis S. Brocato, Assistant U.S. Attorney .....	64
Affidavit of Abraham L. Assam, Group Supervisor, BNDD, dated Nov. 6, 1970, in support of Application of the United States for an Extension of an Order Authorizing the Interception of Wire Communications .....	65
Order dated November 6, 1970, authorizing the extension of an Order authorizing the interception of wire communications .....	82
Extension order for installation of pen register dated November 6, 1970 .....	86
Order (Miller, J.) in Cr. Nos. 70-0483, 70-0486, 70-0487 dated January 24, 1972, ordering the submission of Affidavit or Affidavits .....	88
Order (Miller, J.) dated January 27, 1972, extending the time for the filing of Affidavit or Affidavits .....	90
Supplemental motions to suppress wiretap evidence .....	92
Affidavit of Sol Lindenbaum, Executive Assistant to the Attorney General, dated January 28, 1972 .....	95

### III

## INDEX

	Page
Memorandum dated October 16, 1970 .....	98
Memorandum dated November 6, 1970 .....	98
Affidavit of Harold P. Shapiro, Deputy Assistant Attorney General in the Criminal Division, Department of Justice, dated January 28, 1972 .....	99
Excerpts of transcript of oral argument before districe court of February 8, 1972 .....	102
Judgment of Court of Appeals .....	108
Order granting respondents' motion for leave to proceed in forma pauperis .....	109
Order Granting Certiorari .....	110



## RELEVANT DOCKET ENTRIES

70-04837-M

THE UNITED STATES

*vs.*

MICHAEL FOCARILE  
also known as MICKEY ROSS

DOMINIC NICHOLAS GIORDANO  
also known as NICK GINO  
also known as P. BURDI  
also known as NICK GIORDINA

JOHN CHARLES D'ANNA  
also known as JOHNNY POO

JAMES ALBERT WALLACE  
also known as BUFFALO REDS  
also known as COOTIE REDS  
also known as REDS

HERMAN LEE PETTIFORD  
also known as SKEETS  
also known as SKEEZIE

RONALD E. BLACKWELL

MARGARET HARRIS  
also known as PAT

ROLAND JAMES POPE

STANLEY SILVERSTEIN

SAMPSON WILLIAMS

DANIEL L. DORSEY  
also known as KOON

ROY LEE DAVIS  
also known as MR. FAIRFIELD  
also known as FAIRFIELD

JACK BALDWIN

RONALD JONES  
also known as FAT RONNIE

DATE	PROCEEDINGS
1970	
Dec. 16	(1) Indictment for Viol. U.S.C., Title 26, Sections 4701, 4703, 4704(a), 4771(a) and 7237(a), filed. (Conspiracy to violate the Federal Narcotic Laws)
Jan. 24	(126) Order (Miller, J.) directing that Francis S. Brocato, Assistant U. S. Attorney, furnish this Court with an Affidavit or Affidavits, setting forth the facts relating to the authorization and approval of the initial Wire Tap Order as therein more particularly set forth, filed.
Jan. 27	(128) Order (Miller, J.) extending the time within which Francis S. Brocato, Assistant, U. S. Attorney, shall produce said Affidavit or Affidavits until 5:00 p.m. on February 1, 1972 as therein more particularly set forth, filed. (See Paper No. 126 also)
Feb. 7	(129) Motion of Defendant, Roy Lee Davis, to Suppress and Memorandum in support thereof, filed.
Feb. 7	(130) Supplemental Motion of Defendant, Dominic Nicholas Giordano, to Suppress and Points and Authorities, filed.
Feb. 7	(131) Memorandum of Government concerning the exercise of authority in authorizing Title III Interception, filed.
Feb. 8	——— Hearing on Motions of Defendants to suppress before Miller,
Feb. 8	(132) Affidavit of Sol Lindenbaum and Harold P. Shapiro, filed.

DATE	PROCEEDINGS
1972	
Feb. 14	(133) Motion of Defendant, James Albert Wallace, to Suppress Wire Tap Evidence, filed.
Feb. 14	(134) Motion of Defendant, Ronald E. Blackwell, to Suppress and Memorandum in support thereof, filed.
Feb. 15	(135) Motion of Defendant, Herman Lee Pettiford, to Suppress and Memorandum of Points and Authorities, filed.
Feb. 15	(136) Order (Miller, J.) "GRANTING" Motions of Defendants, Giordano, Davis, Wallace, Blackwell, Pettiford, Harris and Williams to suppress and that the contents of any intercepted telephone communications conducted on the telephone of Dominic Nicholas Giordano from the period October 16, 1970 to November 18, 1970 as therein more particularly set forth, filed.
Feb. 16	(137) Motion of Defendants, Stanley Silverstein and Jack Baldwin to Suppress Wire Tap Evidence, filed.
Feb. 17	(138) Order (Miller, J.), "GRANTING" Motions of Defendants Baldwin and Silverstein to suppress as therein more particularly set forth, filed.
Feb. 22	(139), OPINION (Miller, J.), filed.
Feb. 22	(140) Application of Defendant, Dominic Nicholas Giordano and Authorization (Miller, J.) for Transcript of Proceedings before the Court on February 8, 1972 at the expense of the United States, filed.

---

**DATE****PROCEEDINGS**

---

1972

- Mar. 6** (146) Notice of Appeal of United States of America, from Order of Court dated 2-15-72, filed. (copies mailed by Clerk—3-8-72)
- Mar. 15** (150) Transcript of Proceedings before the Court (Miller, J.) on February 8, 1972, filed. (filed separately)

**AFFIDAVIT IN SUPPORT OF INSTALLATION OF  
A PEN REGISTER ON TELEPHONE NUMBER  
685-0211 IN THE DISTRICT OF MARYLAND**

Before me personally appeared this date Wayne A. Ambrose, Jr., a Special Agent of the Bureau of Narcotics and Dangerous Drugs, who being first duly sworn, deposes and says that:

A source of information, states that on October 1, 1970, Nicholas GIORDINA @NICK gave him telephone number 685-0211 and told this source of information to call him at this telephone number when he wished to transact narcotic business. On October 2, 1970, this source of information made a telephone call to 685-0211. GIORDINA answered the phone. This source of information asked GIORDINA if he could obtain  $\frac{1}{8}$  kilo of Heroin. GIORDINA stated that he would be ready to do business on Monday, October 5, 1970. This call was corroborated by Special Agent Ambrose in that Special Agent Ambrose personally monitored this telephone call with the permission of the source of information.

On October 5, 1970, at 7:10 a.m., this source of information made a call to telephone number 685-0211. GIORDINA answered the phone. This source of information asked GIORDINA if he could get  $\frac{1}{8}$  kilo of Heroin. GIORDINA stated that he would be ready to do business at 7:00 p.m. This telephone call was corroborated by Special Agent Ambrose in that Special Agent Ambrose personally monitored this telephone call with the permission of the source of information.

At about 7:30 p.m., on October 5, 1970, Special Agent Glenn C. Brown, Bureau of Narcotics and Dangerous Drugs, working in an undercover capacity, in the presence of the above mentioned source of information, purchased 110 grams of Heroin (39% pure), from Nicholas GIORDINA. This Heroin was not sold to Special Agent Brown in or from the original stamped package as required by 26 U.S.C. 4704(a), and the sale of this Heroin to Special Agent Brown was not made pursuant to a written order as required by 26 U.S.C. 4705(a).

Toll calls of the C&P Telephone Company of Maryland have been obtained by subpoena for telephone number 685-0211 in the District of Maryland for the months of March, April, May, June, July, August, and September, 1970. A copy of these toll calls is attached as Exhibit 1 to this affidavit.

Telephone number 685-0211 called telephone number (202) 882-5906 seven times during this period of time. Telephone number (202) 882-5906 is listed to Felicia Woods, 30 Sheridan Street, N. E., Washington, D. C. This is the residence of Joyce J. JONES @BULLDYKE JOYCE and Betty KIAH. JONES and KIAH are well known narcotic violators in the Washington, D.C. area, and are well documented in the Bureau of Narcotics and Dangerous Drugs Case Nos. E2-68-0013 and E1-69-0009. JONES is a Negro/female, Date of Birth August 5, 1941, and has FBI No. 32-662 D and MPD No. 166979. KIAH is a Negro/female, Date of Birth October 3, 1948, and has MPD No. 229704. Both JONES and KIAH have been arrested several times by the Bureau of Narcotics and Dangerous Drugs and the Metropolitan Police Department for violation of the Federal Narcotic laws. These cases have not yet been brought to trial.

Wherefore, the undersigned has probable cause to believe that the telephone number 685-0211 listed to Nicholas GIORDINA at Apt. 1304, 8 Charles Plaza, Baltimore,

Maryland, is being used by Nicholas GIORDINA in illegal traffic in narcotics distribution in the Baltimore, Maryland, area.

/s/ Wayne A. Ambrose, Jr.  
Special Agent  
Bureau of Narcotics and Dangerous Drugs

Subscribed and sworn to before me this 8th day of October, 1970.

/s/ Edward S. Northrop  
United States District Judge

/s/ Paul R. Schlitz  
Clerk

/s/ By: Elizabeth R. Schreiber  
Deputy Clerk









## CALLS AND TELEGRAMS

PAGE NUMBER	DATE	PLACE	CALLED	AREA	TELEPHONE NO	BILL DATE	AREA CODE		TELEPHONE NUMBER	AMOUNT	EX-100	EX-101	EX-102	EX-103	EX-104	EX-105	EX-106	EX-107	EX-108	EX-109	EX-110	EX-111	EX-112	EX-113	EX-114	EX-115	EX-116	EX-117	EX-118	EX-119	EX-120	EX-121	EX-122	EX-123	EX-124	EX-125	EX-126	EX-127	EX-128	EX-129	EX-130	EX-131	EX-132	EX-133	EX-134	EX-135	EX-136	EX-137	EX-138	EX-139	EX-140	EX-141	EX-142	EX-143	EX-144	EX-145	EX-146	EX-147	EX-148	EX-149	EX-150	EX-151	EX-152	EX-153	EX-154	EX-155	EX-156	EX-157	EX-158	EX-159	EX-160	EX-161	EX-162	EX-163	EX-164	EX-165	EX-166	EX-167	EX-168	EX-169	EX-170	EX-171	EX-172	EX-173	EX-174	EX-175	EX-176	EX-177	EX-178	EX-179	EX-180	EX-181	EX-182	EX-183	EX-184	EX-185	EX-186	EX-187	EX-188	EX-189	EX-190	EX-191	EX-192	EX-193	EX-194	EX-195	EX-196	EX-197	EX-198	EX-199	EX-200	EX-201	EX-202	EX-203	EX-204	EX-205	EX-206	EX-207	EX-208	EX-209	EX-210	EX-211	EX-212	EX-213	EX-214	EX-215	EX-216	EX-217	EX-218	EX-219	EX-220	EX-221	EX-222	EX-223	EX-224	EX-225	EX-226	EX-227	EX-228	EX-229	EX-230	EX-231	EX-232	EX-233	EX-234	EX-235	EX-236	EX-237	EX-238	EX-239	EX-240	EX-241	EX-242	EX-243	EX-244	EX-245	EX-246	EX-247	EX-248	EX-249	EX-250	EX-251	EX-252	EX-253	EX-254	EX-255	EX-256	EX-257	EX-258	EX-259	EX-260	EX-261	EX-262	EX-263	EX-264	EX-265	EX-266	EX-267	EX-268	EX-269	EX-270	EX-271	EX-272	EX-273	EX-274	EX-275	EX-276	EX-277	EX-278	EX-279	EX-280	EX-281	EX-282	EX-283	EX-284	EX-285	EX-286	EX-287	EX-288	EX-289	EX-290	EX-291	EX-292	EX-293	EX-294	EX-295	EX-296	EX-297	EX-298	EX-299	EX-300	EX-301	EX-302	EX-303	EX-304	EX-305	EX-306	EX-307	EX-308	EX-309	EX-310	EX-311	EX-312	EX-313	EX-314	EX-315	EX-316	EX-317	EX-318	EX-319	EX-320	EX-321	EX-322	EX-323	EX-324	EX-325	EX-326	EX-327	EX-328	EX-329	EX-330	EX-331	EX-332	EX-333	EX-334	EX-335	EX-336	EX-337	EX-338	EX-339	EX-340	EX-341	EX-342	EX-343	EX-344	EX-345	EX-346	EX-347	EX-348	EX-349	EX-350	EX-351	EX-352	EX-353	EX-354	EX-355	EX-356	EX-357	EX-358	EX-359	EX-360	EX-361	EX-362	EX-363	EX-364	EX-365	EX-366	EX-367	EX-368	EX-369	EX-370	EX-371	EX-372	EX-373	EX-374	EX-375	EX-376	EX-377	EX-378	EX-379	EX-380	EX-381	EX-382	EX-383	EX-384	EX-385	EX-386	EX-387	EX-388	EX-389	EX-390	EX-391	EX-392	EX-393	EX-394	EX-395	EX-396	EX-397	EX-398	EX-399	EX-400	EX-401	EX-402	EX-403	EX-404	EX-405	EX-406	EX-407	EX-408	EX-409	EX-410	EX-411	EX-412	EX-413	EX-414	EX-415	EX-416	EX-417	EX-418	EX-419	EX-420	EX-421	EX-422	EX-423	EX-424	EX-425	EX-426	EX-427	EX-428	EX-429	EX-430	EX-431	EX-432	EX-433	EX-434	EX-435	EX-436	EX-437	EX-438	EX-439	EX-440	EX-441	EX-442	EX-443	EX-444	EX-445	EX-446	EX-447	EX-448	EX-449	EX-450	EX-451	EX-452	EX-453	EX-454	EX-455	EX-456	EX-457	EX-458	EX-459	EX-460	EX-461	EX-462	EX-463	EX-464	EX-465	EX-466	EX-467	EX-468	EX-469	EX-470	EX-471	EX-472	EX-473	EX-474	EX-475	EX-476	EX-477	EX-478	EX-479	EX-480	EX-481	EX-482	EX-483	EX-484	EX-485	EX-486	EX-487	EX-488	EX-489	EX-490	EX-491	EX-492	EX-493	EX-494	EX-495	EX-496	EX-497	EX-498	EX-499	EX-500	EX-501	EX-502	EX-503	EX-504	EX-505	EX-506	EX-507	EX-508	EX-509	EX-510	EX-511	EX-512	EX-513	EX-514	EX-515	EX-516	EX-517	EX-518	EX-519	EX-520	EX-521	EX-522	EX-523	EX-524	EX-525	EX-526	EX-527	EX-528	EX-529	EX-530	EX-531	EX-532	EX-533	EX-534	EX-535	EX-536	EX-537	EX-538	EX-539	EX-540	EX-541	EX-542	EX-543	EX-544	EX-545	EX-546	EX-547	EX-548	EX-549	EX-550	EX-551	EX-552	EX-553	EX-554	EX-555	EX-556	EX-557	EX-558	EX-559	EX-560	EX-561	EX-562	EX-563	EX-564	EX-565	EX-566	EX-567	EX-568	EX-569	EX-570	EX-571	EX-572	EX-573	EX-574	EX-575	EX-576	EX-577	EX-578	EX-579	EX-580	EX-581	EX-582	EX-583	EX-584	EX-585	EX-586	EX-587	EX-588	EX-589	EX-590	EX-591	EX-592	EX-593	EX-594	EX-595	EX-596	EX-597	EX-598	EX-599	EX-600	EX-601	EX-602	EX-603	EX-604	EX-605	EX-606	EX-607	EX-608	EX-609	EX-610	EX-611	EX-612	EX-613	EX-614	EX-615	EX-616	EX-617	EX-618	EX-619	EX-620	EX-621	EX-622	EX-623	EX-624	EX-625	EX-626	EX-627	EX-628	EX-629	EX-630	EX-631	EX-632	EX-633	EX-634	EX-635	EX-636	EX-637	EX-638	EX-639	EX-640	EX-641	EX-642	EX-643	EX-644	EX-645	EX-646	EX-647	EX-648	EX-649	EX-650	EX-651	EX-652	EX-653	EX-654	EX-655	EX-656	EX-657	EX-658	EX-659	EX-660	EX-661	EX-662	EX-663	EX-664	EX-665	EX-666	EX-667	EX-668	EX-669	EX-670	EX-671	EX-672	EX-673	EX-674	EX-675	EX-676	EX-677	EX-678	EX-679	EX-680	EX-681	EX-682	EX-683	EX-684	EX-685	EX-686	EX-687	EX-688	EX-689	EX-690	EX-691	EX-692	EX-693	EX-694	EX-695	EX-696	EX-697	EX-698	EX-699	EX-700	EX-701	EX-702	EX-703	EX-704	EX-705	EX-706	EX-707	EX-708	EX-709	EX-710	EX-711	EX-712	EX-713	EX-714	EX-715	EX-716	EX-717	EX-718	EX-719	EX-720	EX-721	EX-722	EX-723	EX-724	EX-725	EX-726	EX-727	EX-728	EX-729	EX-730	EX-731	EX-732	EX-733	EX-734	EX-735	EX-736	EX-737	EX-738	EX-739	EX-740	EX-741	EX-742	EX-743	EX-744	EX-745	EX-746	EX-747	EX-748	EX-749	EX-750	EX-751	EX-752	EX-753	EX-754	EX-755	EX-756	EX-757	EX-758	EX-759	EX-760	EX-761	EX-762	EX-763	EX-764	EX-765	EX-766	EX-767	EX-768	EX-769	EX-770	EX-771	EX-772	EX-773	EX-774	EX-775	EX-776	EX-777	EX-778	EX-779	EX-780	EX-781	EX-782	EX-783	EX-784	EX-785	EX-786	EX-787	EX-788	EX-789	EX-790	EX-791	EX-792	EX-793	EX-794	EX-795	EX-796	EX-797	EX-798	EX-799	EX-800	EX-801	EX-802	EX-803	EX-804	EX-805	EX-806	EX-807	EX-808	EX-809	EX-810	EX-811	EX-812	EX-813	EX-814	EX-815	EX-816	EX-817	EX-818	EX-819	EX-820	EX-821	EX-822	EX-823	EX-824	EX-825	EX-826	EX-827	EX-828	EX-829	EX-830	EX-831	EX-832	EX-833	EX-834	EX-835	EX-836	EX-837	EX-838	EX-839	EX-840	EX-841	EX-842	EX-843	EX-844	EX-845	EX-846	EX-847	EX-848	EX-849	EX-850	EX-851	EX-852	EX-853	EX-854	EX-855	EX-856	EX-857	EX-858	EX-859	EX-860	EX-861	EX-862	EX-863	EX-864	EX-865	EX-866	EX-867	EX-868	EX-869	EX-870	EX-871	EX-872	EX-873	EX-874	EX-875	EX-876	EX-877	EX-878	EX-879	EX-880	EX-881	EX-882	EX-883	EX-884	EX-885	EX-886	EX-887	EX-888	EX-889	EX-890	EX-891	EX-892	EX-893	EX-894	EX-895	EX-896	EX-897	EX-898	EX-899	EX-900	EX-901	EX-902	EX-903	EX-904	EX-905	EX-906	EX-907	EX-908	EX-909	EX-910	EX-911	EX-912	EX-913	EX-914	EX-915	EX-916	EX-917	EX-918	EX-919	EX-920	EX-921	EX-922	EX-923	EX-924	EX-925	EX-926	EX-927	EX-928	EX-929	EX-930	EX-931	EX-932	EX-933	EX-934	EX-935	EX-936	EX-937	EX-938	EX-939	EX-940	EX-941	EX-942	EX-943	EX-944	EX-945	EX-946	EX-947	EX-948	EX-949	EX-950	EX-951	EX-952	EX-953	EX-954	EX-955	EX-956	EX-957	EX-958	EX-959	EX-960	EX-961	EX-962	EX-963	EX-964	EX-965	EX-966	EX-967	EX-968	EX-969	EX-970	EX-971	EX-972	EX-973	EX-974	EX-975	EX-976	EX-977	EX-978	EX-979	EX-980	EX-981	EX-982	EX-983	EX-984	EX-985	EX-986	EX-987	EX-988	EX-989	EX-990	EX-991	EX-992	EX-993	EX-994	EX-995	EX-996	EX-997	EX-998	EX-999	EX-1000	EX-1001	EX-1002	EX-1003	EX-1004	EX-1005	EX-1006	EX-1007	EX-1008	EX-1009	EX-1010	EX-1011	EX-1012	EX-1013	EX-1014	EX-1015	EX-1016	EX-1017	EX-1018	EX-1019	EX-1020	EX-1021	EX-1022	EX-1023	EX-1024	EX-1025	EX-1026	EX-1027	EX-1028	EX-1029	EX-1030	EX-1031	EX-1032	EX-1033	EX-1034	EX-1035	EX-1036	EX-1037	EX-1038	EX-1039	EX-1040
----------------	------	-------	--------	------	--------------	-----------	-----------	--	------------------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------

## CALLS AND TELEGRAMS

PAGE NUMBER		BILL DATE		AREA CODE		TELEPHONE NUMBER				
2		8-19-70		201		685 0211				
DATE	PLACE	CALLED	AREA	TELEPHONE NO	AMOUNT	TYPE	CLASS	MIN	PAC	TELE
-8 15	BRKLYN NYC	NY	212	287 4840	.55	1	2	2		30151620
-8 15	CAPITOL HTS	MD	301	925 4432	.40	1	2	1		3113102
-8 16	BRKLYN NYC	NY	212	287 4840	.55	1	2	1		31131050
-8 16	BRKLYN NYC	NY	212	287 4840	1.10	1	2	2		3110310
-8 17	FROM BALTO	MD	301	664 0568	2.36	R	1	17		3113102
	CAPITOL HTS	MD	301	925 4432						
FED.	TAXES	2.45		TOTAL	26.93					

13

[illegible]



The C&P Telephone Company of Maryland

P. O. Box 657 Baltimore, Md. 21203

**DUPLICATE BILL**

	LOCAL	TAXES	FEDERAL	AMOUNT INCLUDING TAXES
YOUR BASIC MONTHLY SERVICE	1.30		1.07	2.37
ADDITIONAL MESSAGE UNITS				
CALLS AND TELEGRAMS				
DIRECTORY ADVERTISING				
CHARGES OR CREDITS (SEE REVERSE)				
BALANCE DEDUCT IF PAID				
TOTAL INCLUDING TAXES				14.57

PLEASE RETURN THE ATTACHED CARD AND PAY THIS AMOUNT

NAME <i>N. C. THURMAN</i>	
ADDRESS <i>508 HARRIS ST</i>	
CITY <i>BALTIMORE</i>	
STATE <i>MD</i>	
ZIP CODE <i>21203</i>	
CUSTOMER CODE <i>041</i>	DATE <i>12-15</i>
AMOUNT PAID <i>0.00</i>	
OTHER	
FINAL ACCOUNT	DATE <i>1/1</i>
NR	DATE
NR	DATE









Filed 8 October, 1970.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

No. 737 N—Misc.

---

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE INSTALLATION OF  
A DEVICE TO REGISTER TELEPHONE  
NUMBERS CALLED FROM THE  
TELEPHONE NUMBERED  
685-0211

ORDER

TO: Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice.

This matter having come on before the Court upon application of the United States through its attorneys, the United States Attorney for the District of Maryland George Beall and Assistant United States Attorneys and one Wayne A. Ambrose, Jr., a Special Agent of the Bureau of Narcotics and Dangerous Drugs for an order authorizing the use of a device to register telephone numbers called from the telephone subscribed by Nicholas Giordina and full consideration having been given to the matters set forth, the Court finds:

A. There is probable cause to believe that Nicholas Giordina of Baltimore, Maryland, within this District, is committing, and is about to commit, and is conspiring with other persons to commit, offenses involving the sale of narcotic drugs in violation of 21 U.S.C. 174, 26 U.S.C. 4704(a), and 26 U.S.C. 4705(a).

B. There is probable cause to believe that the telephone located at Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, subscribed by Nicholas Giordina and carrying telephone number 685-0211 is being used and is about to be used by Nicholas Giordina, in connection

with the commission of the above mentioned offenses involving the use of communication facilities in committing, attempting to commit, or conspiring to commit narcotic offenses in violation of 18 U.S.C. 1403.

C. There is probable cause to believe that telephone numbers presently being called from the telephone subscribed to by Nicholas Giordina and carrying telephone number 685-0211 are being called by Nicholas Giordina and that these calls relate to narcotics transactions.

**WHEREFORE**, it is hereby ordered that:

Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized to:

Attach a device which will register the telephone numbers called from the telephone subscribed to by Nicholas Giordina and carrying number 685-0211.

**PROVIDING THAT**, this authorization to register telephone numbers called shall be executed as soon as practicable after signing this order, and must terminate in fourteen (14) days from the date of this order.

**PROVIDING ALSO**, that Assistant United States Attorneys for the District of Maryland, shall provide the Court with a report on the 5th and 10th days following the date of this order, showing what progress has been made toward achievement of the authorized objectives.

It is further **ORDERED** that this Order be sealed and that two (2) certified copies thereof be issued to Special Agent Wayne A. Ambrose, Jr. of the Bureau of Narcotics and Dangerous Drugs.

8th Oct. 1970.

**DATE**

/s/ Edward S. Northrop  
U. S. District Judge

I hereby attest and certify on 5-15-72 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

/s/ Paul R. Schlitz

Clerk, U. S. District Court,  
District of Maryland

By August Cage, Deputy

IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MARYLAND

---

MISCELLANEOUS DOCKET No. 739

---

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE INTERCEPTION OF  
WIRE COMMUNICATIONS

Francis S. Brocato, Assistant U.S. Attorney for the District of Maryland, being duly sworn, states:

This sworn application is submitted in support of an order authorizing the interception of wire communications.

This application has been submitted only after lengthy discussion concerning the necessity for such an application with agents of the Bureau of Narcotics and Dangerous Drugs.

1. He is an "investigative or law enforcement officer—of the United States", within the meaning of Section 2510(7) of Title 18, United States Code—that is, he is an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the powers conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable John N. Mitchell, has specially designated in this proceeding the Assistant Attorney General of the Criminal Division of the United States Department of Justice, the Honorable Will Wilson, to authorize affiant to make this application for an order authorizing the interception of wire communications. The letter of authorization signed by the Assistant Attorney General is attached to this application as Exhibit A.

3. This application seeks authorization to intercept wire communications of Nicholas Giordina and others as yet unknown, concerning offenses enumerated in Section 2516 of Title 18, United States Code—that is, offenses involving the receiving, concealing, buying, and selling of illegal narcotic drugs, and the purchase, sale, or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 USC § 174 and 26 USC §§ 4704(a), 4705(a) and 7237(a) and (b), and conspiracy to violate the afore-said offenses, which have been committed and are being committed by Nicholas Giordina and others as yet unknown.

4. He has discussed all the circumstances of these offenses with Special Agent Wayne A. Ambrose of the Baltimore, Maryland Office of the Bureau of Narcotics and

Dangerous Drugs who has conducted the investigation herein and has examined the affidavits of Special Agent Wayne A. Ambrose and Group Supervisor Abraham L. Azzam (attached to this application as Exhibits B and C, and incorporated by reference herein) which allege the facts therein in order to show that:

(a) There is probable cause to believe that Nicholas Giordina and others as yet unknown, have committed, and are committing, offenses involving the receiving, concealing, buying, and selling of illegal narcotic drugs, and the purchase, sale, or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 USC §174 and 26 USC §§4704(a), 4705(a), and 7237(a) and (b), and conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that wire communications concerning these offenses will be obtained through the interception, authorization for which is herein applied for. In particular these wire communications will be between Nicholas Giordina and his suppliers concerning: (1) the date, time, place, and manner in which illegal narcotic drugs will be delivered to Nicholas Giordina, and (2) the price Nicholas Giordina is to pay for the illegal narcotic drugs and the date, time, place, and manner of payment for said drugs. Also, these wire communications will be between Nicholas Giordina and his buyers concerning: (1) the date, time, place, and manner in which Nicholas Giordina will deliver illegal narcotic drugs or cause illegal narcotic drugs to be delivered to his buyers, and (2) the price Nicholas Giordina is to receive for the narcotic drugs, and the date, time, place, and manner of payment for said drugs.

(c) normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

(d) there is probable cause to believe that the telephone listed in the name of Nicholas Giordina and located

at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and carrying the telephone number (301) 685-0211, has been used, is being used and will be used, in connection with the commission of the offenses described above and is commonly used by Nicholas Giordina and others as yet unknown.

5. No other application has been made to any Judge for authorization to intercept or for approval of interception of wire or oral communications involving any of the same persons, facilities or places specified herein.

WHEREFORE, your affiant believes that probable cause exists to believe that Nicholas Giordina and others as yet unknown are engaged in the commission of the above-described offenses, and that they have used, and are using the telephone listed in the name of Nicholas Giordina, and located at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and bearing the telephone number (301) 685-0211, in connection with the commission of those offenses, that communications concerning these offenses will be intercepted to and from that telephone, and that normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

On the basis of the allegations contained in this application and on the basis of the affidavit attached, affiant herewith requests this court to issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice to intercept wire communications to and from the above-mentioned telephone until communications are intercepted which reveal the details of the scheme which has been used by Nicholas Giordina and others as yet unknown to receive, conceal, buy, and sell illegal narcotic drugs, and the identity of his confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of twenty-one (21) days from the date of that order, whichever is earlier.

/s/ Francis S. Brocato



Subscribed and sworn to before me this 16th day of October, 1970.

/s/ Edward S. Northrop  
Chief Judge, U. S. District Court

I hereby attest and certify on October 19, 1970 that the foregoing document is a full, true and correct copy of the original on file in my office in my legal custody.

/s/ Paul R. Schlitz  
Clerk

/s/ M. A. Heinzerling  
Deputy Clerk

October 16, 1970

[Exhibit A]

Mr. Francis S. Brocato  
Assistant United States Attorney  
Baltimore, Maryland

Dear Mr. Brocato:

This is with regard to your request for authorization to make application pursuant to the provisions of Section 2518 of Title 18, United States Code, for an Order of the Court authorizing the Federal Bureau of Narcotics and Dangerous Drugs to intercept wire communications to and from telephone number 301-685-0211, located at 8 Charles Plaza, Apartment 1304, Baltimore, Maryland, in connection with the investigation into possible violations of 21 U.S.C. 174 and 26 U.S.C. 4704(a), 4705(a) and 7237(a) and (b) by Nicholas Giordina and others as yet unknown.

I have reviewed your request and the facts and circumstances detailed therein and have determined that probable cause exists to believe that Nicholas Giordina and others as yet unknown have committed, are committing, or are about to commit offenses enumerated in Section

2516 of Title 18, United States Code, to wit: violations of 21 U.S.C. 174 and 26 U.S.C. 4704(a), 4705(a) and 7237 (a) and (b). I have further determined that there exists probable cause to believe that the above person makes use of the described facility in connection with those offenses, that wire communications concerning the offenses will be intercepted, and that normal investigative procedures reasonably appear to be unlikely to succeed if tried.

Accordingly, you are hereby authorized under the power specially delegated to me in this proceeding by the Attorney General of the United States, the Honorable John N. Mitchell, pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, to make application to a judge of competent jurisdiction for an Order of the Court pursuant to Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Narcotics and Dangerous Drugs to intercept wire communications from the facility described above, for a period of twenty-one (21) days.

Sincerely,

WILL WILSON

Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

MISCELLANEOUS DOCKET No. 739

---

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE INTERCEPTION OF  
WIRE COMMUNICATIONS

[Exhibit B]

AFFIDAVIT

WAYNE A. AMBROSE, JR., being duly sworn, states:

1. I am a Special Agent of the Bureau of Narcotics and Dangerous Drugs (BNDD), United States Department of Justice, and a "law enforcement officer" within the meaning of 18 USC §2510(7). I am in charge of and fully familiar with the investigation pending in our Bureau of the narcotic wholesale smuggling and trafficking activities of Nicholas Giordina, aka Nick, and unknowns.

2. This affidavit is submitted in support of an application for an order authorizing the interception of wire communications of Nicholas Giordina and others to and from 8 Charles Plaza, Apt. 1304, Baltimore, Maryland, telephone number (301) 685-0211, subscribed to by Nicholas Giordina, within the jurisdiction of the United States District Court for the District of Maryland. The type of communications sought to be intercepted are the details of a system of importation of illegal narcotic drugs into the Baltimore, Maryland, area and the receiving, concealing, sale, and distribution of these drugs throughout the Baltimore, Maryland, area; and the dates, places, and identities and roles of the persons involved in committing these offenses, in violation of 21 USC §174, 26 USC §4705(a); §4704(a) and §7237. The period for which interception is sought is twenty-one (21) days in view of the complex and continuing nature of the system and the difficulties in identifying its activity or major participants, as demonstrated by the facts set forth in this affidavit below.

3. The affidavit in support of this application will take the following form:

A. Nicholas Giordina: The narcotic traffic of the subject of this investigation, dealing first with his general narcotic activity as revealed by sources and surveillance, and then particularly with his use of the telephone (301) 685-0211 in order to transact this illegal business.

B. Long-Distance Toll Record Information

C. Pen Register Information

D. Unavailability of other means of investigation: The limited success and limited potential of other means of investigating this operation.

*I. Nicholas Giordina*

Nicholas Giordina has been the main subject of BNDD investigation since September, 1970. Giordina resides at Apt. 1304, 8 Charles Plaza, Baltimore, Md. and subscribes to telephone number (301) 685-0211.

A source of information, SE-1, was developed by Baltimore Agents, BNDD, on September 24, 1970. On October 1, 1970, SE-1 stated to your affiant that on that date (October 1, 1970), Giordina gave him telephone number (301) 685-0211 and told this source of information to call him at his telephone number when he wished to transact narcotics business. Also, on October 1, 1970, SE-1 stated to your affiant that Giordina had given him (SE-1) number (301) 685-0211 approximately six (6) months prior to October 1, 1970 and that Giordina then asked SE-1 to transact narcotics business at that time. On October 2, 1970, a source of information made a telephone call to telephone number (301) 685-0211. A man known to the source of information as Giordina answered the phone. This source of information asked Giordina if he could obtain  $\frac{1}{8}$  kilo of Heroin. Giordina stated that he would be ready to do business on Monday, October 5, 1970. This call was corroborated by Special Agent Wayne A. Ambrose, Jr., in that Special Agent Ambrose personally monitored this telephone call with the permission of the source of information.

On October 5, 1970 at 7:10 a.m., this source of information made a telephone call to telephone number (301) 685-0211. A man known to the source of information as Giordina answered the phone. This source of information asked Giordina if he could get  $\frac{1}{8}$  kilo of Heroin. Giordina stated that he would be ready to do business at 7:00 p.m. This telephone call was corroborated by Special Agent Ambrose in that Special Agent Ambrose personally monitored this telephone call with the permission of the source of information.

On October 5, 1970, at 7:00 p.m., this source of information made a telephone call to telephone number (301) 685-0211. A man known to the source of information as Giordina answered the telephone. This source of information asked Giordina if he had the  $\frac{1}{8}$  kilo of Heroin. Giordina stated that he did. The source of information told Giordina that he would meet him in front of 7 Saratoga Street, Baltimore, Md. Giordina stated that he would see him there. This telephone call was corroborated by Special Agent Ambrose in that Special Agent Ambrose personally monitored this telephone call with the permission of the source of information. About 7:30 p.m. on October 5, 1970, Special Agent Glenn C. Brown, BNDD, working in an undercover capacity, and the above-mentioned source of information, SE-1, and under the observation of Special Agent Ambrose and Special Agent Richard L. Jacob, purchased approximately 110 grams of Heroin (39% pure—according to an analysis conducted by BNDD Forensic Chemist Allan W. Fein) from Nicholas Giordina. This Heroin was not sold to Special Agent Brown in or from the original stamped packaged as required by 26 USC §4704(a), and the sale of this Heroin to Special Agent Brown was not made pursuant to a written order as required by 26 USC §4705(a).

BNDD, Baltimore, records indicate that average retail sales involve Heroin of 5% to 6% purity. The only BNDD documented Baltimore transaction of wholesale traffic in Heroin, approaching the purity of the Heroin involved in the Giordina transaction, involved the seizure of  $\frac{1}{2}$  oz. of Heroin which was 34% pure; that transaction occurred on June 4, 1970. It involved a seizure by BNDD Special Agents and the source of that Heroin was traced to New York City. BNDD, Baltimore, records do not indicate any known wholesale transactions, other than the one involving Giordina, which even approach  $\frac{1}{8}$  kilo of Heroin in amount.

A background check of Nicholas Giordina indicated that he was last employed approximately  $1\frac{1}{2}$  years ago to Goldbloom's Men's Store, 4 W. North Avenue, Balto., Mary-

land. He has no presently ascertainable regular employment. His apartment consists of 2 bedrooms with living-room and bath, renting at approximately \$300 per month.

On October 1, 1970, SE-1 stated to your affiant that he has known Giordina about eleven (11) years. SE-1 also stated to your affiant on October 1, 1970 that Giordina told him that he used to live in New York City, New York. SE-1 stated that he personally knew that Giordina was involved in gambling, lottery and stolen goods, besides his involvement in narcotics. SE-1 stated that about six months ago, Giordina approached him (SE-1) and asked SE-1 to distribute Heroin and Cocaine in the Baltimore, Maryland, area. Giordina also told him that he wanted to do a big volume of business and would not sell anything in less than  $\frac{1}{8}$  kilos. Giordina told SE-1 that he could obtain either Heroin or Cocaine. Giordina gave SE-1 telephone number (301) 685-0211, and told him to call this number when he wished to transact any narcotics business.

Toll records of the C&P Telephone Company have been obtained by subpoena for telephone number (301) 685-0211 for the months of May, 1970, through September, 1970, and are attached as Exhibit 1. These records indicate a total of 76 long distance calls placed from (301) 685-0211 during this time.

Telephone number (301) 685-0211, subscribed to by Giordina, called telephone number (202) 882-5906 seven times during this period of time. Telephone number (202) 882-5906 is listed to Felicia Woods, 30 Sheridan Street NE, Washington, D.C. This is an unpublished number. This is the residence of Joyce J. Jones, alias Bulldyke Joyce, and Betty Kiah. Jones and Kiah are well known narcotic violators in the Washington, D.C. area and are well documented in Bureau of Narcotics and Dangerous Drugs Cases E2-68-0013 and E1-69-0009. Jones is a Negro female, born August 5, 1941, and has FBI No. 32-662D and MPD No. 166979. Kiah is a Negro female, born October 3, 1948, and has MPD No 229-704. Both Jones and Kiah have been arrested several times by the Bureau

of Narcotics and Dangerous Drugs and the Metropolitan Police Department for violation of the Federal Narcotic Laws. These cases have not yet been brought to trial.

Toll records of the C & P Telephone Company have been obtained by subpoena for telephone number (202) 882-5906. Said records show that 26 calls have been made from Jones and Kiah's residence to the residence of Snyder Blanchard (367-0851, number subsequently changed to 367-6466), BNDD Case No. E1-69-0009, and McKinley Richardson, (523-0118) BND Case No. E1-69-0007. Both Blanchard and Richardson are major narcotic violators in the Baltimore, Maryland area and are well documented by the Bureau of Narcotics and Dangerous Drugs case files referred to above.

Telephone number (301) 685-0211, subscribed to by Giordina, called telephone number (202) 882-0657, listed to Mrs. Doris E. Jones. 640 Rock Creek Church Road NW, Washington, D.C. Doris Jones was living with Joyce Jones, alias Bulldyke Joyce, in 1963 as documented in Washington District BNDD files. Doris Jones is mentioned as an associate of Vincent A. Washington in Washington, D.C. BNDD Case No. E2-70-0003. Washington is a well known narcotics violator in the Washington, D.C. area as is documented in BNDD No. E2-70-0003. This number was called three times.

A total of nineteen (19) calls have also been made to New York City, New York. A total of twenty-seven (27) calls have been made to telephone number (301) 925-4432. This telephone number is listed to Rufus F. Johnson, 709 65th Avenue, Seat Pleasant, Maryland. Johnson has no record with BNDD, MPD or Prince George's County Police. Also, nine (9) telephone calls have been made to (202) 667-7237 listed to Maybelle Williams, 744 Girard Street NW, Apt. 301, Washington, D.C.

### III.

#### *Pen Register Information*

On October 8, 1970, the undersigned applied to the Honorable Edward S. Northrop of the U.S. District

Court for the District of Maryland for an order authorizing the installation of a device to register telephone number (301) 685-0211. An order authorizing this activity was issued on the same day for a period of fourteen (14) days. The register device became operational on October 8, 1970, approximately 5:00 p.m. From the period of 5:00 p.m. on October 8, 1970 to 5:00 p.m. on October 9, 1970, the following results were obtained:

A total of approximately fifty (50) incoming telephone calls have been made to telephone number (301) 685-0211. A "pen register device" does not allow the tracing of the source of incoming calls. From the period of 5:00 p.m. on October 8, 1970 to 5:00 p.m. on October 9, 1970, four (4) outgoing calls were made from telephone number (301) 685-0211. A telephone call from (301) 685-0211 was made to telephone number 566-1455, listed to George L. Wilson, 4634 Rokeby Road, Baltimore, Maryland. Wilson is a Negro male, born August 3, 1934. Wilson has FBI No. 704-867D and Baltimore City Police Identification No. 111-997. Wilson was arrested by the Baltimore City Police Department on October 11, 1966 for investigation of narcotics.

From the period 5:01 p.m., Friday, October 9, 1970 to 1:59 p.m., Sunday, October 11, 1970, approximately 30 calls were made to telephone number (301) 685-0211. No outgoing calls were made from telephone number (301) 685-0211 during the above period. The "pen register device" does not indicate whether incoming calls are answered. On October 8, 1970, SE-1 stated to your affiant that Giordina had advised SE-1 on October 8, 1970 that he (Giordina) would be out of town during the weekend of October 10-11, 1970 in order to receive additional supplies of narcotics.

From the period 2:00 p.m., October 11, 1970, to 4:30 a.m., October 12, 1970, approximately 69 outgoing calls were made from telephone number (301) 685-0211. Number 685-0211 called number 566-1455 once in addition to the call referred to above. Number 685-0211 called telephone number 685-8439, listed to Herman Lee Pettiford,



aka Skeezie, 1432 N. Eden Street, Baltimore, Maryland. (685-0211 called 685-8439 nine (9) times). Pettiford is a Negro male, born June 28, 1945. Pettiford has Baltimore City Police Department No. 133-703 and BNDD Case No. E1-68-00014 (Title James T. Wescott, et al.). Pettiford has been arrested by Baltimore City Police several times. Pettiford is presently enlarged on appeal bond after receiving a 5 year sentence, by the Criminal Court of Baltimore City, for possession of Heroin. Number 685-0211 called telephone number 542-5270, listed to John Bass, aka Cookie, 3326½ Woodland Avenue, Apt. 1A, Baltimore, Md. (685-0211 called telephone number 542-5270 four (4) times). On September 24, 1970, SE-1 informed your affiant that Bass had sold narcotics to SE-1 on numerous occasions, in the past, the most recent dates being during July, 1970 (two (2) sales).

#### IV.

##### *Unavailability of Other Methods of Investigation*

Methods of investigation other than wire intercept and limited undercover penetration have proven insufficient in the past to identify and build successful prosecution against the major figures in the Giordina narcotics distribution system in the Baltimore, Maryland area, and hold small potential as well in the future, for the following reasons:

A. Criminal records checks on Giordina with the Maryland State Police, Baltimore City Police Department, Baltimore County Police Department, Baltimore Regional Office, and New York Regional Office, BNDD and the New York City Police Department have met with negative results.

B. A check with the Maryland State Credit Bureau of Baltimore failed to disclose any information on Giordina.

C. A check with the Baltimore Gas and Electric Company failed to disclose any information on Giordina.

D. A subpoena was issued to the C & P Telephone Company of Maryland, and the Telephone Company revealed that telephone number (301) 685-0211 was listed to Nicholas Giordina, Apt. 1304, 8 Charles Plaza, Baltimore, Maryland. The Telephone Company could provide no other information other than the fact that this phone was installed in October, 1969.

E. Giordina lives in Apartment 1304, 8 Charles Plaza, Baltimore. This building is a highrise apartment house located between Charles and Liberty Streets, and Saratoga and Baltimore Streets, Baltimore, Maryland. Eight Charles Plaza is located in a complex, and the buildings known as Charles Plaza consist of stores, shops, theaters, and other establishments. There are two main entrances to 8 Charles Plaza which remain locked at all times, and under security guard, with a television monitoring system. There are other means of egress from and ingress to the apartment complex through underground garages. The nature of this arrangement makes effective surveillance of Giordina almost impossible. Full scale surveillance by BNDD has been attempted from October 5 to date. It has met with very limited success. Effective surveillance would be impossible without the knowledge and active aid of apartment security guards. Giordina is an individual well known to apartment security guards and they could not be informed of BNDD surveillance without compromising the investigation. The "pen register" documents a number of calls from 685-0211 to the apartment security desk.

F. A check with the Maryland State Department of Motor Vehicles for a driver's license or a vehicle listed to Giordina have also met with negative results.

G. Only one informant, SE-1, has been developed who has had dealings with Giordina. SE-1 is not a confidant of Giordina and SE-1 only purchases narcotics from him. It is not possible for SE-1 to attempt to infiltrate Giordina's organization without arousing suspicion.

H. Other individuals both referred to in this affidavit and not referred to herein, who are connected with

Giordina, cannot be approached to give information with regard to Giordina without the danger of them informing him of the pendency of a BNDD investigation.

I. Giordina's organization cannot be infiltrated by BNDD undercover agents since, according to SE-1, Giordina will deal only with selected purchasers whose backgrounds are known to him. (See Azzam Affidavit and see reference to sale of  $\frac{1}{8}$  kilo of Heroin by Giordina on October 5, 1970). S/A Brown, posing as SE-1s customer, received Heroin from Giordina through SE-1 as the intermediary. Giordina would not deal directly with S/A Brown, nor would he meet Brown.

J. The "pen register" has shown so far that Giordina receives numerous incoming calls. Without a wire intercept, it would be nearly impossible to identify the individuals making these incoming calls, from whom these narcotics are coming, how, where, when and by what method they are locally distributed.

K. Toll call records, referred to in this affidavit, show numbers called in Washington, D.C. and New York, N.Y. Toll calls to numbers subscribed to by individuals connected with narcotics dealing are referred to in this affidavit. Such calls are few in number. The great majority of Washington, D.C. toll calls and all New York area toll calls are to numbers, subscribed to by individuals, mostly female, a background check of whom in BNDD, MPD and NY PD files has proved negative. (See Azzam affidavit describing MO of major narcotics wholesalers who attempt to insulate themselves by never calling their suppliers directly, but who choose "clean" third parties, almost invariably female, with whom they leave messages or receive messages for their suppliers to meet them or call them).

L. Unless electronic surveillance were instituted for number (301) 685-0211, further investigation of Giordina could not progress. He would be arrested, but knowledge of his course of supply and method of distribution would be almost totally lacking.

I have not, nor has anyone to my knowledge, made any previous application for authorization to intercept wire or oral communication from the described premises or from any other facilities in connection with this investigation.

WHEREFORE, your affiant believes that probable cause exists to believe that Nicholas Giordina and other persons are engaged in the commission of offenses involving the importation, receipt, concealment, sale and distribution of narcotics, and conspiracy to do so; that Nicholas Giordina uses the premises Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, in this district and within the jurisdiction of this Court to conduct this activity; that he has used and will continue to use the telephone numbered (301) 685-0211 at this premises in the conduct of this activity; that further communications concerning these offenses will take place over this telephone and will be obtained through the interception of these wire communications; and that no other investigative procedures appears likely to succeed.

/s/ Wayne A. Ambrose, Jr.

Special Agent

Bureau of Narcotics and Dangerous Drugs

Subscribed and Sworn to before me, this 16th day of October, 1970.

/s/ Edward S. Northrop, Chief Judge

U. S. District Court for the District of Maryland

I hereby attest and certify on October 19, 1970 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

M. A. Heinzerling, Deputy  
Deputy Clerk

1. NAME OF SUBSCRIBER  
 2. TYPE OF SERVICE  
 3. CITY AND STATE  
 4. ZIP CODE  
 5. PHONE NUMBER  
 6. NAME OF SERVICE  
 7. NAME OF SERVICE  
 8. NAME OF SERVICE  
 9. NAME OF SERVICE  
 10. NAME OF SERVICE

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

NAME

684 0211		EN GIORDINA		YES 1		504		3091075			
091001		63 CHARLES PL									
MAY 19 70		APT 1304									
BALTIMORE MD		21202									
6508		NY		110		143		3		1105	
506 FROM BKLYN		4627489		110		143		3		1105	
FED. TAXES		11		TOTAL CARRIED TO BILL		121		121		121	
DATED		ANI		PLACE CALLED		AREA		TELEPHONE NO.		AMOUNT	
CALLS		H - ONI									

PAGE  
 1. NO. 1111  
 2. NO. 1111  
 3. NO. 1111  
 4. NO. 1111  
 5. NO. 1111  
 6. NO. 1111  
 7. NO. 1111  
 8. NO. 1111  
 9. NO. 1111  
 10. NO. 1111

1303  
 121  
 1815  
 3239

LS  
 AMU  
 C  
 DA  
 CC  
 BAL  
 TOT

685 0211  
09161901  
APR 19 70  
EN GIORDINA  
3 CHAPLES PL  
APT 1304

21202

19X

.

5 1 1 2 2

175

...

25

5522

512

---

---

---

2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 84

# Index

FED. TAXES		47		TOTAL CARRIED TO BILL		512	
DIALED		ANI		AREA		TELEPHONE NO.	
CALLS		13		PLACE CALLED		AMOUNT	

FED. TAXES. 47 TOTAL CARRIED TO BILL

DIALED CALLS	• -ANI □ -ONI	PLACE CALLED	AREA	TELEPHONE
1	•	1000	1000	1000
2	•	1000	1000	1000
3	•	1000	1000	1000
4	•	1000	1000	1000
5	•	1000	1000	1000
6	•	1000	1000	1000
7	•	1000	1000	1000
8	•	1000	1000	1000
9	•	1000	1000	1000
10	•	1000	1000	1000
11	•	1000	1000	1000
12	•	1000	1000	1000
13	•	1000	1000	1000
14	•	1000	1000	1000
15	•	1000	1000	1000
16	•	1000	1000	1000
17	•	1000	1000	1000
18	•	1000	1000	1000
19	•	1000	1000	1000
20	•	1000	1000	1000
21	•	1000	1000	1000
22	•	1000	1000	1000
23	•	1000	1000	1000
24	•	1000	1000	1000
25	•	1000	1000	1000
26	•	1000	1000	1000
27	•	1000	1000	1000
28	•	1000	1000	1000
29	•	1000	1000	1000
30	•	1000	1000	1000
31	•	1000	1000	1000
32	•	1000	1000	1000
33	•	1000	1000	1000
34	•	1000	1000	1000
35	•	1000	1000	1000
36	•	1000	1000	1000
37	•	1000	1000	1000
38	•	1000	1000	1000
39	•	1000	1000	1000
40	•	1000	1000	1000
41	•	1000	1000	1000
42	•	1000	1000	1000
43	•	1000	1000	1000
44	•	1000	1000	1000
45	•	1000	1000	1000
46	•	1000	1000	1000
47	•	1000	1000	1000
48	•	1000	1000	1000
49	•	1000	1000	1000
50	•	1000	1000	1000
51	•	1000	1000	1000
52	•	1000	1000	1000
53	•	1000	1000	1000
54	•	1000	1000	1000
55	•	1000	1000	1000
56	•	1000	1000	1000
57	•	1000	1000	1000
58	•	1000	1000	1000
59	•	1000	1000	1000
60	•	1000	1000	1000
61	•	1000	1000	1000
62	•	1000	1000	1000
63	•	1000	1000	1000
64	•	1000	1000	1000
65	•	1000	1000	1000
66	•	1000	1000	1000
67	•	1000	1000	1000
68	•	1000	1000	1000
69	•	1000	1000	1000
70	•	1000	1000	1000
71	•	1000	1000	1000
72	•	1000	1000	1000
73	•	1000	1000	1000
74	•	1000	1000	1000
75	•	1000	1000	1000
76	•	1000	1000	1000
77	•	1000	1000	1000
78	•	1000		








## CALLS AND TELEGRAMS

NUMBER		DATE		PLACE	CALLED	AREA	TELEPHONE NO.	AMOUNT	CP	DETAIL	TIME	CLASS	MAIL	WTS	RAD-TELE	TELEPHONE NUMBER
2		-7-10-70														301 684 3211
-7	11	-7	11	WASHINGTON DC		212	651 7237	.50	1	1	1	7	A	1		301 684 3211
-7	11	-7	11	QUEENS NYC NY		212	651 2025	.50	1	1	1	7	A	1		301 684 3211
-7	11	-7	11	WASHINGTON DC		202	657 7237	.35	1	1	1	7	A	1		301 684 3211
-7	11	-7	11	WASHINGTON DC		301	925 4432	.40	1	1	1	7	A	2		301 684 3211
-7	11	-7	11	CAPITOL HTS MD		202	882 5025	.35	1	1	1	7	A	2		301 684 3211
-7	12	-7	12	WASHINGTON DC		212	651 2025	.50	1	1	1	7	A	2		301 684 3211
-7	12	-7	12	QUEENS NYC NY		212	651 2025	.50	1	1	1	7	A	2		301 684 3211
-7	12	-7	12	QUEENS NYC NY		212	651 2025	.50	1	1	1	7	A	2		301 684 3211
-7	12	-7	12	QUEENS NYC NY		201	925 4432	.40	1	1	1	7	A	2		301 684 3211
-7	12	-7	12	CAPITOL HTS MD		201	925 4432	.78	2	78	1	1	A	2		301 684 3211
-7	16	-7	16	CAPITOL HTS MD		301	925 4432	.40	1	1	1	7	A	2		301 684 3211
-7	16	-7	16	CAPITOL HTS MD		301	925 4432	.28	1	1	1	7	A	2		301 684 3211
-7	16	-7	16	WASHINGTON DC		202	657 7237	.22	1	1	1	7	A	2		301 684 3211
-7	16	-7	16	CAPITOL HTS MD		301	925 4432	.22	1	1	1	7	A	2		301 684 3211

AREA	TELEPHONE NO.	AMOUNT	MIN	SEC	CHG
821 CAPITCLHTS MD	3010254432	61.2	1	00	00
822 BKLYN NYC NY	2122074440	1.5	1	00	00
824 CAPITCLHTS MD	3010254432	2.08	1	00	00
826 CAPITCLHTS MD	3010254432	1.50	1	00	00
803 CAPITCLHTS MD	3010254432	1.00	1	00	00
909 QUEENS NYC NY	2125512025	1.55	1	00	00
906 CAPITCLHTS MD	3010254432	1.15	1	00	00
TOTAL CARRIED TO BILL		61.2	1	00	00
FED. TAXES					
DIALD A - AIR					
CALLS 11 - ONE					
PUCE CALLED					
56					

MOORE BUSINESS FORMS, INC. - 76

(22-1) 9629



**The C&P Telephone Company of Maryland**  
P. O. Box 657 Baltimore, Md. 21203

**NAME** N. C. TURNER  
**ADDRESS** 801 HARRIS BL  
**APR 13-54**  
**TELEPHONE NUMBER** 1-852-211

	BILL DATE 4/14/54		FEDERAL TAXES	AMOUNT INCLUDING TAXES
	LOCAL	TAXES		
YOUR BASIC MONTHLY SERVICE	1.50	1.41		1.34
ADDITIONAL MESSAGE UNITS				
CALLS AND TELLGRAMS				6.15
DIRECTORY ADVERTISING				
CHARGES OR CREDITS (SEE REVERSE)				
<b>BALANCE, DEDUCE IF PAID</b>				11.94
<b>TOTAL INCLUDING TAXES</b>				11.94

**NAME** N. C. TURNER  
**ADDRESS** 801 HARRIS BL  
**APR 13-54**  
**TELEPHONE NUMBER** 1-852-211

**CUSTOMER CODE** 041  
**DATE** 4-13-54  
**AMOUNT PAID** 31.35  
**OTHER**

**FINAL ACCOUNT**  
**WG**  
**DATE** 1/1

**FILE CODE**

**DUPLICATE BILL**

**YOUR BASIC MONTHLY SERVICE**  
**ADDITIONAL MESSAGE UNITS**  
**CALLS AND TELLGRAMS**  
**DIRECTORY ADVERTISING**  
**CHARGES OR CREDITS (SEE REVERSE)**

**BALANCE, DEDUCE IF PAID**  
**TOTAL INCLUDING TAXES**

**PLEASE RETURN THE PAYMENT TO THE C&P TELEPHONE COMPANY OF MARYLAND**

INSTRUMENT		CREDIT IN EVENT		INSTRUMENT		AMOUNT		DATE		DATE		DATE	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
7	17	WASHINGTON DC	NY	202	202	2.27	2.27	1	1	1	1	1	1
FED. TAXES						2.27	2.27	1	1	1	1	1	
TOTAL						24.44	24.44	1	1	1	1	1	
TOTAL						24.44	24.44	1	1	1	1	1	

## CALLS AND TELEGRAMS

PAGE  
NUMBER

REL DATE

8-19-70

TELEPHONE  
NUMBER

201 895 9711

AREA  
CODE

201 895 9711

DATE	PLACE	CALLS	AREA	TELEPHONE NO.	AMOUNT	CAPITAL	TIME	DAY	MIN	SEC	TELEPHONE NUMBER
-7 20	WASHINGTON DC		202	667 7237	.35	1	1	2	1		1024
-7 20	WASHINGTON DC		202	667 7237	.35	1	1	2	1		1024
-7 21	CAPITOL HTS MD		301	925 4432	2.64	8	1	1	15		1024
-7 21	WASHINGTON DC		202	802 5906	.35	1	1	1	1		1024
-7 21	WASHINGTON DC		202	887 5906	.45	1	1	1	1		1024
-7 21	WASHINGTON DC		202	667 7237	.35	1	1	1	1		1024
-7 25	CAPITOL HTS MD		301	925 4432	2.22	8	1	2	16		1024
-7 26	CAPITOL HTS MD		301	925 4432	2.39	8	1	5	20		1024
-8 2	WASHINGTON DC		202	667 7237	.35	1	1	7	1		1024
-8 2	WASHINGTON DC		202	667 7237	.35	1	1	7	1		1024
-8 6	CAPITOL HTS MD		301	925 4432	3.76	8	1	1	27		1024
-8 11	CAPITOL HTS MD		301	925 4432	1.66	8	1	1	12		1024
-8 13	CAPITOL HTS MD		301	925 4432	.40	8	1	1	1		1024
-8 14	CAPITOL HTS MD		301	925 4432	3.90	8	1	1	28		1024

HOTEL GUEST

C-PARTIAL CREDIT  
APPLIED  
TO ACCOUNTING CALL1511111111  
1511111111  
1511111111ACCOLLECT  
BANKRUPTCY  
BANKRUPTCYU.S. ACTION DAY  
U.S. ACTION DAY  
U.S. ACTION DAYDIFFERENTIAL  
DIFFERENTIAL  
DIFFERENTIALMIN  
MIN  
MINP.2. WASHINGTON  
P.2. WASHINGTON  
P.2. WASHINGTON

## CALLS AND TELEGRAMS

[illegible]

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MISC. No. 739

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE INTERCEPTION OF  
WIRE COMMUNICATIONS

AFFIDAVIT  
[Exhibit C]

ABRAHAM L. AZZAM, being duly sworn, states

1. I am a Group Supervisor of the Bureau of Narcotics and Dangerous Drugs (BNDD), United States Department of Justice, and a "law enforcement officer" within the meaning of 18 USC § 2510(7).

2. I have full knowledge of the facts and details contained in an affidavit of Special Agent Wayne A. Ambrose, Jr., BNDD, who is charged with the investigation of one, Nicholas Giordina, and that the affiant has overall supervision of this investigation as Supervisor to Special Agent Wayne A. Ambrose, Jr., BNDD.

3. I have read the affidavit of Special Agent Wayne A. Ambrose, Jr. in support of an application for interception of wire communications of Giordina and others and I adopt the facts, details and conclusions of Special Agent Wayne A. Ambrose, Jr. as set forth in said affidavit which is attached.

4. My experience in law enforcement is as follows: 8 years as an Agent of BNDD, investigating more than 25 cases for violation of the Narcotic Laws each year, and having personally arrested more than 300 persons for violation of Narcotic Laws. From my experience, I conclude that the methods of Giordina, as observed and detailed in Special Agent Ambrose's affidavit have led me to believe that Giordina is a large wholesaler of narcotic drugs, Heroin and Cocaine, on an interstate level. Investigation of tolls obtained by subpoena from the C & P

Telephone Company indicates that, as other past violators have done, Giordina has called lower level known distributors of narcotic drugs, and that the phone subscribers of these telephones are females. Past experience shows that violators usually list telephones to females without criminal records in order to protect their own identity. Further, that being responsible for the overall investigation of Giordina, the affiant states that all ordinary and conventional methods of criminal investigation have failed to reveal and disclose the extent of Giordina's narcotic distribution operation in the Baltimore, Md., Washington, D.C., and New York, N.Y. areas.

5. On the basis of this affidavit and the affidavit of Special Agent Wayne A. Ambrose, Jr., BNDD, which the affiant wholly adopts, the affiant requests this Court to issue an order pursuant to 18 USC §2518 authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs of the U.S. Department of Justice, to intercept wire communications from the telephone of Nicholas Giordina, (301) 685-0211, at Baltimore, Md., for a period of 21 days from the effective date of this order.

/s/ Abraham L. Azzam  
Group Supervisor  
Bureau of Narcotics and Dangerous Drugs

Subscribed and sworn to before me this 16th day of October, 1970.

/s/ Edward S. Northrop, Chief Judge  
U.S. District Court for the  
District of Maryland

I hereby attest and certify on October 19, 1970 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

Paul R. Schlitz  
Clerk, U.S. District Court,  
District of Maryland

/s/ M. A. Heinzerling, Deputy  
Deputy Clerk



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Misc. No. 739N

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE INTERCEPTION  
OF WIRE COMMUNICATIONS

ORDER

To: Special Agents of the Bureau of Narcotics and  
Dangerous Drugs, United States Department of  
Justice

Application under oath having been made before me by the United States through its Attorney, Francis S. Brocato, Assistant U.S. Attorney for the District of Maryland, and an "investigative or law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an order authorizing the interception of wire communications pursuant to Section 2518 of Title 18, and full consideration having been given to the matters set forth therein, the court finds:

(a) there is probable cause to believe that Nicholas Giordina and others as yet unknown, have committed, and are committing, offenses involving the receiving, concealing, buying, and selling of illegal narcotic drugs, and the purchase, sale, or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 USC § 174 and 26 USC §§ 4704(a), 4705(a), and 7237(a) and (b), and a conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that wire communications concerning these offenses will be obtained through the interception, authorization for which is herein applied for. In particular, these wire communications will be between Nicholas Giordina and his suppliers

concerning: (1) the date, time, place, and manner in which illegal narcotic drugs will be delivered to Nicholas Giordina, and (2) the price Nicholas Giordina is to pay for the illegal narcotic drugs and the date, time, place, and manner of payment for said drugs. Also, these wire communications will be between Nicholas Giordina and his buyers concerning: (1) the date, time, place, and manner in which Nicholas Giordina will deliver illegal narcotic drugs or cause illegal narcotic drugs to be delivered to his buyers, and (2) the price Nicholas Giordina is to receive for the narcotic drugs, and the date, time, place, and manner of payment for said drugs.

(c) normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

(d) there is probable cause to believe that the telephone listed in the name of Nicholas Giordina, and located at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and carrying the telephone number (301) 685-0211, has been used, is being used, and will be used, in connection with the commission of the offenses described above and is commonly used by Nicholas Giordina and others as yet unknown.

**WHEREFORE**, it is hereby ordered that:

Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized, pursuant to application authorized by the Assistant Attorney General for the Criminal Division of the United States Department of Justice, the Honorable Will Wilson, who has been specially designated in this proceeding by the Attorney General of the United States, the Honorable John N. Mitchell, to exercise the powers conferred on him by Section 2516 of Title 18, United States Code, to:

(1) intercept wire communications of Nicholas Giordina and others as yet unknown concerning the above-described offenses to and from the telephone listed in the name of Nicholas Giordina and located at Apt. 1304,

8 Charles Plaza, Baltimore, Maryland, and bearing the telephone number (301) 685-0211.

(2) such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained, but shall continue until communications are intercepted which reveal the details of the scheme which has been used by Nicholas Giordina and others as yet unknown to receive, conceal, buy, and sell illegal narcotic drugs, and the identity of his confederates, their places involved therein, or for a period of twenty-one (21) days from the date of this order, whichever is earlier.

PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practicable after signing of this order and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of twenty-one (21) days from the date of this order.

PROVIDING ALSO, that Francis S. Brocato, Assistant U.S. Attorney for the District of Maryland, shall provide the court with a report on the 5th, 10th, 15th and 21st day following the date of this order showing what progress has been made toward achievement of the authorized objective and the need for continued interception.

/s/ Edward S. Northrop  
Chief Judge, U.S. District Court

Date: 16th October 1970

I hereby attest and certify on October 19, 1970 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

Paul R. Schlitz  
Clerk, U.S. District Court,  
District of Maryland

/s/ M. A. Heinzerling, Deputy  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

No. 739—Miscellaneous Docket

APPLICATION OF THE UNITED STATES OF AMERICA  
IN THE MATTER OF AN ORDER AUTHORIZING THE  
INTERCEPTION OF WIRE COMMUNICATIONS

---

APPLICATION FOR AN AMENDED ORDER

Francis S. Brocato, Assistant United States Attorney for the District of Maryland, being duly sworn, states:

1. On October 16, 1970, this Court entered an Order authorizing, inter alia, the interception of wire communications of Nicholas Giordina and others as yet unknown concerning the violations of 21 U.S.C. § 174; 26 U.S.C. § 4704(a), 4705(a) and 7237(a)(b), and conspiracy to violate the aforesaid statutes. Interception of wire communication was authorized to and from the telephone listed in the name of Nicholas Giordina and located at Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, and bearing the telephone number (301) 685-0211.

2. Francis S. Brocato has been informed by Group Supervisor Abraham L. Azzam, Region IV, Bureau of Narcotics and Dangerous Drugs, that the individual referred to as Nicholas Giordina, also known as Nick, in the Application, Affidavit and Order of Court to be filed in Miscellaneous Docket No. 739 has been positively identified by BNDD agents as Dominic Nicholas Giordano.

3. On October 19, 1970, Francis S. Brocato reviewed logs of electronic interception of telephone calls from telephone number (301) 685-0211. Logs of interceptions made on October 17, 1970, revealed that Giordano had arranged to change his telephone number; such change to be effective after the weekend of October 17-18, 1970. On October 19, 1970, Francis S. Brocato was informed by Group Supervisor Abraham L. Azzam, Region IV, BNDD, that Giordano had arranged to have the telephone number (301) 685-0211 disconnected and that,

upon information supplied to Azzam by C & P Telephone officials, Giordano will have a new number, i.e. (301) 685-2332, operating at his apartment, Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, by October 20, 1970.

WHEREFORE, your affiant prays that so much of the Order entered by this Court on October 16, 1970, as refers to Nicholas Giordina and authorizes interception of wire communications to and from telephone number (301) 685-0211 be amended to refer to Dominic Nicholas Giordano, also known as Nicholas Giordina and Nick, and to authorize wire communications to and from telephone number (301) 685-2332.

/s/ Francis S. Brocato  
FRANCIS S. BROCATO  
Assistant United States Attorney  
for the District of Maryland

Subscribed and sworn to before me, this 20th day of October, 1970.

/s/ Edward S. Northrop  
EDWARD S. NORTHROP  
Chief Judge  
United States District Court  
for the District of Maryland

ORDERED AS PRAYED this 20th day of October, 1970.

/s/ Edward S. Northrop  
EDWARD S. NORTHROP  
Chief Judge  
United States District Court  
for the District of Maryland

TRUE COPY  
TEST:

PAUL R. SCHLITZ  
Clerk

By /s/ M. A. Hernzerling  
Deputy Clerk

**AFFIDAVIT IN SUPPORT OF EXTENSION OF A  
PEN REGISTER ON TELEPHONE NUMBER  
685-2332 IN THE DISTRICT OF MARYLAND**

Before me personally appeared this date Wayne A. Ambrose, Jr., Special Agent of the Bureau of Narcotics and Dangerous Drugs, who being first duly sworn, deposes and says that:

On October 8, 1970, United States District Judge Edward S. Northrop signed an Order authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs to install a device to register telephone numbers being called from telephone number 685-0211 in Baltimore, Maryland, and further authorizing the continuation of the installation of that device for a period not exceeding fourteen (14) days from the date of this Order.

On October 16, 1970, United States District Judge Northrop signed an Order authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs to intercept wire communications from telephone number (301) 685-0211. This telephone number is listed to Nicholas Giordano, Apartment 1304, 8 Charles Plaza, Baltimore, Maryland.

On October 17, 1970, approximately 113 grams of heroin were purchased from Giordano by Special Agent Glenn C. Brown. Also on October 17, 1970, the source of information, SE-1 (referred to in Exhibit 1), told your affiant that Giordano gave the source of information telephone number (301) 685-2332, and that Giordano told the source of information that his number was being changed and

that this was his new telephone number. Giordano told the source of information to call him at his new telephone number when he wished to transact any narcotic business.

On October 20, 1970, your affiant and Special Agent Steven G. Sabo served a subpoena on the C & P Telephone Company of Maryland regarding telephone number 685-2332. The records of the C & P Telephone Company show that on October 20, 1970, Nicholas Giordina (Giordano) had his telephone number changed from 685-0211 to telephone number 685-2332.

On October 20, 1970, the interception order referred to above was amended to authorize interception of communications to and from telephone number (301) 685-2332. The order was also amended to refer to Nicholas Giordina, also known as Nick, as Dominic Nicholas Giordano.

Attached hereto as Exhibit 1 and prayed to be incorporated herein is a copy of the Affidavit in Support of Installation of a Pen Register on Telephone Number 685-0211.

Attached hereto as Exhibit 2 and prayed to be incorporated herein are reports, prepared by your affiant, referencing numbers called by number (301) 685-0211 (number subsequently changed to (301) 685-2332).

Attached hereto as Exhibit 3 and prayed to be incorporated herein are logs of telephone conversations monitored pursuant to the order of this Court on October 16, 1970.

Your affiant re-asserts the facts set out in Exhibits 1 and 2. Your affiant further states that Exhibit 3 reveals continued use of the telephone located at Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, for conversations regarding illegal trafficking in narcotics.

WHEREFORE, your affiant has probable cause to believe that telephone number 685-2332 listed to Nicholas Giordina, Apartment 1304, 8 Charles Plaza, Baltimore,

Maryland, is being used by Dominic Nicholas Giordano in illegal traffic in narcotics distribution in the Baltimore, Maryland, area.

/s/ Wayne A. Ambrose, Jr.  
Special Agent  
Bureau of Narcotics and Dangerous Drugs

Subscribed and sworn to before me this 22nd day of October, 1970.

/s/ Edward S. Northrop  
Chief Judge  
United States District Court

I hereby attest and certify on May 16, 1972, that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

/s/ Paul R. Schlitz  
Clerk, U. S. District Court,  
District of Maryland  
By August Cage, Deputy



Filed 23 October, 1970.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MISCELLANEOUS DOCKET No. 737

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE INSTALLATION OF  
A DEVICE TO REGISTER TELEPHONE  
NUMBERS CALLED FROM THE  
TELEPHONE NUMBERED

685-2332

ORDER

TO: Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice

This matter having come on before the Court upon application of the United States, through its attorneys, George Beall, United States Attorney for the District of Maryland, and Francis S. Brocato, Assistant United States Attorney for said District, and one Wayne A. Ambrose, Jr., a Special Agent of the Bureau of Narcotics and Dangerous Drugs, for an Order authorizing the continuation of a device to register telephone numbers called from the telephone subscribed by Dominic Nicholas Giordina (Giordano) and full consideration having been given to the matters set forth, the Court finds:

A. There is probable cause to believe that Giordano of Baltimore, Maryland, within this District, is committing, and is about to commit, and is conspiring with other persons to commit, offenses involving the sale of narcotic drugs in violation of 21 U.S.C. § 174, 26 U.S.C. § 4704(a), and 26 U.S.C. § 4705(a).

B. There is probable cause to believe that the telephone located at Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, subscribed by Nicholas Giordina (Dominic Nicholas Giordano) and carrying telephone number

(301) 685-2332 is being used and is about to be used by Giordano in connection with the commission of the above-mentioned offenses involving the use of communication facilities in committing, attempting to commit, or conspiring to commit narcotic offenses in violation of 18 U.S.C. § 1403.

C. There is probable cause to believe that telephone numbers presently being called from the telephone subscribed to by Giordano and carrying telephone number 685-2332 are being called by Giordano and that these calls relate to narcotics transactions.

WHEREFORE, it is hereby ordered that:

Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized to:

Continue in use a device which will register the telephone numbers called from the telephone subscribed to by Giordano and carrying number 685-2332.

PROVIDING THAT, this authorization to register telephone numbers called shall be executed as soon as practicable after signing this order, and must terminate in fifteen (15) days from the date of this Order.

PROVIDING ALSO, that Francis S. Brocato, Assistant United States Attorney for the District of Maryland, shall provide the Court with a report on the 5th and 10th days following the date of this Order, showing what progress has been made toward achievement of the authorized objectives.

IT IS FURTHER ORDERED that this Order be sealed and that two (2) certified copies thereof be issued to Special Agent Wayne A. Ambrose, Jr., of the Bureau of Narcotics and Dangerous Drugs.

/s/ Edward S. Northrop  
Chief Judge  
United States District Court

Dated: 22nd October, 1970.

I hereby attest and certify on May 16, 1972 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

/s/ Paul R. Schlitz  
Clerk, U. S. District Court,  
District of Maryland

By August Cage, Deputy

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MISCELLANEOUS DOCKET No. 739N

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF EXTENSION  
OF AN ORDER AUTHORIZING THE IN-  
TERCEPTION OF WIRE COMMUNICA-  
TIONS

Francis S. Brocato, Assistant U.S. Attorney for the District of Maryland, being duly sworn, states:

This sworn application is submitted in support of extension of an order authorizing the interception of wire communications. This application has been submitted only after lengthy discussion concerning the necessity for such an application with agents of the Bureau of Narcotics and Dangerous Drugs (BNDD).

1. He is an "investigative or law enforcement officer—of the United States" within the meaning of Section 2510 (7) of Title 18, United States Code—that is, he is an attorney authorized by law to prosecute or participate in the prosecution of offenses enumerated in Section 2516 of Title 18, United States Code.

2. Pursuant to the powers conferred on him by Section 2516 of Title 18, United States Code, the Attorney General of the United States, the Honorable John N. Mitchell, has specially designated in this proceeding the Assistant Attorney General of the Criminal Division of the United States Department of Justice, the Honorable Will Wilson, to authorize the affiant to make this application for extension of an order authorizing the interception of wire communications. The letter of authorization signed by the Assistant Attorney General is attached to this application as Exhibit A.

3. This application seeks authorization to continue to intercept wire communications of Nicholas Giordina, a male alias Johnny Poo, Herman Lee Pettiford, Ronald Black-

well, a male alias Brooks, James Albert Williams, Stanley Silverstein, a male alias John, a male alias Roy, Michael Focarile and others as yet unknown, concerning offenses enumerated in Section 2516 of Title 18, United States Code—that is, offenses involving the receiving, concealing, buying, and selling of illegal narcotic drugs, and the purchase, sale, or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 USC § 174 and 26 USC §§ 4704(a), 4705(a) and 7237(a) and (b), and conspiracy to violate the aforesaid offenses which have been committed and are being committed by Nicholas Giordano, a male alias Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male alias Brooks, James Albert Williams, Stanley Silverstein, a male alias John, a male alias, Roy, Michael Focarile and others as yet unknown.

4. He has discussed all the circumstances of these offenses with Group Supervisor Abraham L. Azzam, Special Agent Wayne A. Ambrose, Jr. and other Special Agents of the Baltimore, Maryland Office of BNDD who have conducted the investigation herein and he has examined the affidavit of Group Supervisor Abraham L. Azzam (Attached to this application as Exhibit B and incorporated by reference herein) which alleges the facts therein in order to show that:

(a) there is probable cause to believe that Nicholas Giordano, a male alias Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male alias Brooks, James Albert Williams, Stanley Silverstein, a male alias, John, a male alias Roy, Michael Focarile and others as yet unknown, have committed and are committing, offenses involving the receiving, concealing, buying, and selling of illegal narcotic drugs, and the purchase, sale, or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 USC § 174 and 26 USC §§ 4704(a), 4705(a) and 7237(a) and (b), and conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that wire communications concerning these offenses will be obtained through continuation of the interception of conversations to and from telephone number 301-685-2332, authorization for which is herein applied for. In particular, these wire communications will be between Nicholas Giordano and his suppliers (Michael Focarile and others as yet unknown) concerning: the date, time and place illegal narcotic drugs will be delivered to Nicholas Giordano. Also, these wire communications will be between Nicholas Giordano and his buyers (a male alias Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, James Albert Williams, Stanley Silverstein, a male alias Brooks, a male alias John, a male alias Roy and others as yet unknown, concerning: the date, time and place Nicholas Giordano will deliver illegal narcotic drugs or cause illegal narcotic drugs to be delivered to his buyers.

(c) normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

(d) there is probable cause to believe that the telephone listed in the name of Nicholas Giordano and located at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and carrying the telephone number 301/685-2332, has been used, and is being used and will be used, in connection with the commission of the offenses described above and is commonly used by Nicholas Giordano, a male alias Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male alias Brooks, John Albert Williams, Stanley Silverstein, a male alias John, a male alias Roy, Michael Focarile and others as yet unknown.

5. Application has been made to The Honorable Edward S. Northrop for authorization to intercept and for approval of interception of wire communications involving Nicholas Giordano and the facilities and places specified herein. Authorization was granted by The Honorable Edward S. Northrop on October 16, 1970.

WHEREFORE, your affiant believes that probable cause exists to believe that Nicholas Giordano, alias Johnny Poo,

Herman Lee Pettiford, Ronald Blackwell, alias Brooks, John Albert Williams, Stanley Silverstein, alias John, alias Roy, Michael Focarile and others as yet unknown are engaged in the commission of the above-described offenses, and that they have used, and are using the telephone listed in the name of Nicholas Giordano, and located at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and bearing the telephone number 301/685-2332, in connection with the commission of those offenses, that communications concerning these offenses will be intercepted to and from that telephone, and that normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

On the basis of the allegations contained in this application and on the basis of the affidavit attached, affiant herewith requests this court to issue an Order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Bureau of Narcotics and Dangerous Drugs of the United States Department of Justice to intercept wire communications to and from the above-described telephone until communications are intercepted which reveal the details of the scheme which has been used by Nicholas Giordano, a male alias Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male alias Brooks, John Albert Williams, Stanley Silverstein, a male alias John, a male alias Roy, Michael Focarile and others as yet unknown, to receive, conceal, buy and sell illegal narcotic drugs, and the identity of his confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of fifteen (15) days from the day of that Order, whichever is earlier.

/s/ Francis S. Brocato

Subscribed and sworn to before me this 6th day of November, 1970. At 5:20 p.m.

/s/ Edward S. Northrop  
Chief Judge, U.S. District Court



True copy

Test:

Paul R. Schlitz  
Clerk

/s/ M. A. Heinzerling  
Deputy Clerk

Mr. Francis S. Brocato  
Assistant United States Attorney  
Baltimore, Maryland

November 6, 1970

Dear Mr. Brocato:

This is with regard to your request for authorization pursuant to the provisions of Section 2518 of Title 18, United States Code, for an Order of the Court authorizing the Federal Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, to continue to intercept wire communications to and from telephone number 301-685-2332 located at Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, in connection with the investigation into possible violations of 21 U.S.C. 174 and 26 U.S.C. 4704(a), 4705(a) and 7237(a) and (b) and a conspiracy to violate those offenses by Nicholas Giordano, a male known as Johnny Poo, Herman Leo Pettiford, Ronald Blackwell, a male known as Brooks, James Albert Williams, Stanley Silverstein, a male known as John, a male known as Roy, Michael Focarile, and others as yet unknown.

I have reviewed your request and the facts and circumstances detailed therein and have determined that probable cause exists to believe that the above-named persons and others as yet unknown have committed and are committing offenses enumerated in Section 2516 of Title 18, United States Code, to wit: violations of 21 U.S.C. 174 and 26 U.S.C. 4704(a), 4705(a), and 7237(a) and (b), and a conspiracy to violate these offenses. I have further determined that there exists probable cause to believe that the above-named persons make use of the described telephone facility in connection with those offenses, that wire communications concerning the offenses will be intercepted,



and that normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

Accordingly, you are hereby authorized under the power specially delegated to me in this proceeding by the Attorney General of the United States, the Honorable John N. Mitchell, pursuant to the power conferred on him by Section 2516 of Title 18, United States Code, to make application to a judge of competent jurisdiction for an Order of the Court pursuant to Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, to continue to intercept wire communications from the telephone facility described above for a period of fifteen (15) days.

Sincerely,

Will Wilson

Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

APPLICATION No. 739N

---

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF AN ORDER  
AUTHORIZING THE EXTENSION OF  
WIRE COMMUNICATIONS

AFFIDAVIT

ABRAHAM L. AZZAM, being duly sworn, states:

1. I am a Supervising Agent of the Bureau of Narcotics and Dangerous Drugs (BNDD), United States Department of Justice, and a "law enforcement officer" within the meaning of 18 USC §2510(7). I am charged with supervision of, and am fully familiar with the investigation pending in our Bureau of the narcotic smuggling and trafficking activities of Dominic Nicholas Giordano, aka Nicholas Giordina, aka Nick Jordan, aka Nick, and others.

2. This affidavit is submitted in support of an application for an order authorizing the extension of the interception of wire communications of Dominic Nicholas Giordano and others to and from 8 Charles Plaza, Apt. 1304, Baltimore, Maryland, telephone number (301) 685-2332, subscribed by Dominic Nicholas Giordano (Giordano), within the jurisdiction of the United States District Court for the District of Maryland. The type of communications sought to be intercepted are the details of a system of importation of illegal narcotic drugs into the Baltimore, Maryland area; and the dates, places and identities and roles of the persons involved in committing these offenses, in violation of 21 United States Code §174, 26 United States Code Sections 4705(a); 4704(a) and 7237. The period for which the extension of the interception is fifteen (15) days in view of the complex and continuing nature of the system and the difficulties in identifying its activity or major participants, as demonstrated by the facts set forth in this affidavit below.

3. On October 16, 1970, United States District Judge Edward S. Northrop signed an Order authorizing Special Agents of the Bureau of Narcotics and Dangerous Drugs to intercept wire communications from telephone number 685-0211. This telephone was listed to Nicholas Giordano, 8 Charles Plaza, Apt. 1304, Baltimore, Maryland.

4. On October 20, 1970, Giordano changed his telephone number from 685-0211 to telephone number 685-2332.

5. On October 20, 1970, United States District Judge Edward S. Northrop signed an amended Order authorizing interception of communications to and from telephone number (301) 685-2332. The order was also amended to refer to Nicholas Giordina, also known as Nick, as Dominic Nicholas Giordano.

6. I have reviewed the affidavits sworn to by myself and Special Agent Ambrose on October 16, 1970 and filed in Misc. No. 739 (District of Maryland). I reassert the facts, details and conclusions contained in those affidavits.

7. The wire intercept plus a concentrated 24 hour-a-day surveillance on Giordano have provided Special

Agents of the Baltimore Regional Office, Bureau of Narcotics and Dangerous Drugs with the following information:

8. On October 16, 1970, at 6:47 p.m., a source of information, SE-1, called Giordano at telephone number 685-0211 (Call 16-9). SE-1 asked Giordano if he had the "stuff". Giordano stated that he did, but did not want to talk on the phone. Giordano told SE-1 to go to a pay phone and call him back.

9. On October 16, 1970, at 7:05 p.m. (Call 16-12) SE-1 called Giordano and gave him telephone number 752-9329. Giordano stated that he would call him back in five minutes.

10. On October 16, 1970, at 7:10 p.m., Special Agents Stephen H. Greene, Richard L. Jacob, and Michael J. Agnese observed Giordano leave his residence at 8 Charles Plaza via the 7 West Saratoga Street exit, cross the street, and utilize the pay phone there. The phone number of this phone booth is 727-9658. The C and P Telephone Company of Maryland records subpoenaed on 10/19/70 showed that Giordano placed the following calls, between 7 and 8 a.m. on 10/16/70 from phone number 727-9658:

(202) 667-7237      Maybelle Williams  
Apt. 301  
744 Girard St., NW  
Washington, D.C.

(212) 651-2025      Florence Musso  
Apt. 4-G  
108-28 38th Avenue  
Queens, N.Y.

(914) 237-8857      Sam C. Risolo  
Apt. 2F  
248 Hyatt Avenue  
Yonkers, N.Y.

Giordano has placed calls to these numbers before, as is set out in the toll records attached as an Exhibit to the Ambrose Affidavit, dated 10/16/70 (Misc. No. 739).

11. At about 7:45 p.m., Special Agents Greene, Agense and Jacob observed Giordano return to his residence.

12. On October 17, 1970, at 12:55 p.m. (Call 17-17) SE-1 called Giordano and asked if he had the "stuff". Giordano stated that he did and would meet him downstairs in ten minutes.

13. On October 17, 1970, at about 1:30 p.m., Special Agent Glenn C. Brown, working in an undercover capacity, and a source of information, SE-1 purchased 113 grams of Heroin (20% pure—according to an analysis conducted by BNDD Forensic Chemist Allan W. Fein), from Giordano for \$3800 Official Government Funds under the observation of Special Agent Ambrose & Special Agent Stanley M. Grobe. This heroin was not sold to Special Agent Brown in or from the original stamped package as required by 26 USC § 4704(a), and the sale of this heroin to Special Agent Brown was not made pursuant to a written order as required by 26 USC § 4705(a).

14. On October 18, 1970, at 8:33 a.m., (Call 18-10) Giordano received a call from an unknown male who stated that he could not make it today, but could make it the first of the week.

15. On October 18, 1970, at 9:50 a.m., (Call 18-13) an unknown male called Giordano and told him that he would be ready to do business today. Giordano told him he was going out and would not be back until 7:00 or 8:00 p.m. The unknown male asked Giordano if midnight was okay. Giordano said yes, and he would meet him at the "restaurant." Bureau of Narcotics and Dangerous Drugs surveillance has disclosed that the "restaurant" referred to in Giordano's conversations is Bickford's, 105 N. Howard Street, Baltimore, Maryland. In the early morning hours of October 19, 1970, BNDD surveillance disclosed that Giordano met with an individual subsequently identified through Baltimore City Police Department photographs as Ronald E. Blackwell, 1020 Wicklow Road, Baltimore, Maryland. Blackwell was driving a 1970 blue Plymouth, Maryland registration JC-2979. A check by the Department of Motor Vehicles disclosed that reg-

istration No. JC-2979 was issued to National Car Rental. This car was rented from National Car Rental, Friendship Airport by Blackwell (according to National Car Rental records). Blackwell is mentioned in BNDD Case E1-70-0020 as an associate of Herman Lee Pettiford @Skeets, @Skeezie.

16. On October 18, 1970, at 11:40 a.m., (Call 18-15) @Johnny Poo called Giordano and mentioned that "one" is gone and that he was having trouble with the "other." @Johnny Poo stated that he may have to cut it up. Giordano stated he was not worried and will have "5" for "Mike" (identified by BNDD on October 27, 1970 as Michael Focarile @Mickey Ross, New York City).

17. On October 19, 1970, at 1:21 a.m., (Call 19-7) @Johnny Poo called Giordano. Giordano asked @Johnny Poo if someone had sold the "monkey?" @Johnny Poo said that he thought that he had sold it to "Evans." The identity of "Evans" has not been ascertained.

18. At 1:45 a.m., October 19, 1970 Giordano received a call from an unknown male (Call 19-9). Giordano stated "hello?" Caller asked okay (in question form) and Giordano stated okay. End of conversation. BNDD surveillance disclosed that at 2:15 a.m., 10-19-70 Giordano left his residence at 8 Charles Plaza via the 7 West Saratoga Street exit and walked to Park Avenue and Saratoga Street where he entered the 1970 blue Plymouth rented to Blackwell. Giordano and a Negro male then drove back to the apartment complex at 8 Charles Plaza where Giordano exited the vehicle.

19. On October 19, 1970, at 9:09 a.m., (Call 19-24) Giordano called Clementine Ransom and asked her if she wanted to go to Yonkers, New York with him.

20. BNDD surveillance disclosed that at 1:45 p.m., October 19, 1970, a 1969 maroon Lincoln Continental (license #FS-8690), listed to Joe Willie Kennedy, 1210 Henry Court, Baltimore, Maryland, arrived at the Redwood Grill, 319 W. Redwood Street, Baltimore, Maryland, and the driver met Giordano. They were together approximately ten minutes. BNDD agents were unable to

observe what transpired. Kennedy is recorded with the Baltimore City Police Department for narcotics arrests. The driver of the 1970 Lincoln, mentioned above, has been identified as Kennedy through Baltimore City Police Department photographs.

21. On October 21, 1970, at 11:57 p.m. (Call 21-43) @Johnny Poo called Giordano. Giordano stated that he had just returned from Philadelphia. Giordano then said that the next deal with "Mike" would not be till next Monday (10-26-70).

22. BNDD surveillance disclosed that at 12:15 a.m., October 22, 1970, Giordano met with @Johnny Poo at Bickford's (Howard Street). @Poo and Giordano remained together at Bickford's until approximately 1:30 a.m. when Giordano returned to 8 Charles Plaza.

23. On October 22, 1970, at 2:20 a.m., (Call 22-6) an "unknown male" called Giordano and stated that he wanted to deal like last time. The "unknown male" agreed to come by in about an hour. The "unknown male" is identified as Blackwell through subsequent surveillance (See paragraph 24).

24. On October 22, 1970, at 2:53 a.m., (Call 22-7) the "unknown male" in call (22-6) (identified as Blackwell) called Giordano and said that he would be ready in 15 minutes. Giordano replied 20 minutes, I have to get it.

25. At approximately 3:15 a.m. on October 22, 1970, Special Agents John Fencer, Carl Russomanno and Agnese observed a 1970 blue Plymouth, Maryland Registration, JC-2979, registered to National Car Rental, Friendship Airport, and rented by Blackwell, parked in front of 7 West Saratoga Street. The negro male exited the car and entered the lobby of 8 Charles Plaza. The Negro male, later identified as Blackwell, met with Giordano in the lobby for approximately 10 minutes.

26. On October 22, 1970 at 10:47 a.m. (Call 22-14) alias Johnny Poo called Giordano. Alias Johnny Poo told Giordano that there is a "man" "waiting around



the corner" and Giordano stated that he would be there in 10 or 15 minutes. Giordano told alias Johnny Poo to tell the "man" it's "heavy".

27. BNDD surveillance disclosed that from 11:15 a.m. to 11:45 a.m. on 10/22/70 Giordano waited alone on the corner of Redwood and Eutaw Streets, Baltimore and from 11:15 a.m. to 11:45 a.m. on 10/22/70 alias Johnny Poo waited alone on the corner of Howard and Redwood Streets, Baltimore. The two corners referred to above are one block apart.

28. On October 22, 1970 at 12:43 p.m. (Call 22-17) a source of information, SE-1 called Giordano and told Giordano he wanted to talk with him. Giordano told SE-1 to call back about 2:30 p.m. and he will be ready. Giordano said it would take him about 1/2 hour. On October 22, 1970, at approximately 8:30 p.m. Giordano was observed by Special Agent Stephen Medwid in front of Bickford's Restaurant, 105 N. Howard Street, Baltimore, Maryland. At about 8:45 p.m. Special Agents Greene and Wayne Ambrose, Jr. observed a 1969 red Buick, Maryland registration EH-1631 listed to Eunice Snowden Brooks, 100 9th Street, Laurel, Maryland, driven by alias Brooks, a N/M stop in front of this restaurant. Special Agents Greene and Ambrose then observed Giordano enter this vehicle and remain in it for about five minutes. Giordano then left the vehicle and returned to the restaurant. This 1969 Buick then left the area.

29. On October 22, 1970, at 10:21 p.m. (Call 22-41) SE-1 called Giordano. Giordano told SE-1 to call him back from a pay phone booth.

30. On October 22, 1970, at 10:26 p.m. (Call 22-42) SE-1 called Giordano and gave him the number at a pay phone booth. Special Agents Jacob and Rinehart then observed Giordano exit his residence and walk to the pay phone across the street. Giordano then placed a call to SE-1. Special Agent Brown, who was with SE-1 at the pay phone booth, then talked with Giordano. Giordano told Agent Brown that he (Giordano) would sell 1/8 kilo

heroin for \$3800 and ¼ kilo heroin for \$7000. Giordano also told Agent Brown that he (Giordano) could sell Agent Brown cocaine "which could take a 3½ cut" (which indicates cocaine of exceptional purity). Giordano also told Agent Brown that he (Giordano) did not want to meet Brown but that deals should be through SE-1 since Giordano trusted SE-1.

31. On October 23, 1970, at 10:49 p.m. (Call 23-22) Giordano called Herman Lee Pettiford alias Skeets, alias Skeezie at telephone number 685-8439 (listed to Pettiford at 1432 N. Eden Street, Baltimore, Md.). Giordano told Pettiford he would be available early or late tomorrow. Pettiford asked Giordano about the "other thing". Giordano said that he was not ready yet.

32. On October 23, 1970, at 11:57 p.m. (Call 23-28) Giordano called "Stanley" (later identified as Stanley Silverstein) at the Pimlico Hotel. Silverstein and Giordano agreed to meet at 1:15 a.m. at the "restaurant". (Bickford's). On 10/24/70 at 1:57 a.m., a white male, later identified as Stanley Silverstein, (through BNDD surveillance) called Giordano (Call 24-5) and told him that **he wanted the same amount today as yesterday**. Giordano told him that if they wanted to check it they **can check it**. Giordano was then observed by Special Agent Agnese to meet with Silverstein at the corner of Lexington and Liberty Streets, Baltimore, and the meeting took place at approximately 2:10 a.m. Silverstein was identified by BNDD through BCPD photographs.

33. On 10/24/70 at 7:42 a.m. (Call 24-8) an unknown male (later identified through surveillance as Pettiford) called Giordano and Giordano agreed to meet him at the "restaurant" in 20 minutes. Special Agent Ambrose observed Giordano meet with Pettiford at Bickford's Restaurant (Howard Street) at approximately 10:30 a.m. They remained together approximately 10 minutes. Giordano then went to a barber shop (7 W. Howard Street). At 11:15 a.m. Giordano exited the barber shop, crossed the street and entered a 1969 blue Rambler sedan (Md license HR-6579, listed to Michael William Krabousanos,



1626 Gail Road, Baltimore, Md.). Giordano and 2 white males were followed in the vehicle to Philadelphia, Pa., when surveillance was lost.

34. On October 27, 1970, at 8:12 a.m. (Call 27-18) alias Johnny Poo called Giordano. Giordano told alias Johnny Poo that he wanted to call "Mike" today.

35. On October 27, 1970 at 12:48 p.m. (Call 27-35) Giordano called telephone number (914) 237-8857 listed to Sam C. Risolo, Apt. 2F, 248 Hyatt Avenue, Yonkers, N.Y. Giordano advised that he would "definitely be up there" and that he would call him back in approximately one hour and ten minutes. Giordano has placed a call to telephone number (914) 237-8857 before from the pay phone across the street from his residence on 10/16/70.

36. Region #4, BNDD surveillance disclosed that at approximately 1:45 p.m. on 10/27/70, Giordano left via bus to Washington, D.C. carrying a black briefcase. Giordano then took a plane to LaGuardia Airport in New York City, NY.

37. At LaGuardia Airport, Region #2, New York City Special Agents, BNDD, observed Giordano meet with an unknown white male who directed Giordano to a parked vehicle outside the terminal. Giordano got into the vehicle and the vehicle drove around the parking lot and returned to the terminal. The vehicle was listed as owned by Florence Musso. A telephone listed to Florence Musso was called by Giordano on October 16, 1970 and that number had been called previously by Giordano on other occasions (See C and P logs, Exhibit, Ambrose affidavit, 10-16-70). Giordano then exited the vehicle with a different briefcase and went inside the terminal under the observation of Region #2 Special Agents. One of the men in the vehicle was identified by Region #2 Special Agents as Michael Focarile @ Mickey Ross.

38. Giordano then flew to Buffalo, New York (Giordano purchased his plane reservation in the name Nick Gino) under the observation of Special Agents Agnese and Russomanno. While in Buffalo, Giordano met with

James Albert Wallace @Buffalo Reds @Cootie Reds, a known narcotics trafficker they exchanged briefcases in a parking lot behind a motel near the airport. James Albert Wallace is listed as a narcotics trafficker and associate of James Thomas Wescott, Baltimore, in BNDD Region 4 file E1-68-0014.

39. Giordano then returned to Baltimore and BNDD surveillance disclosed that Giordano returned to 8 Charles Plaza, Baltimore at approximately 11:45 p.m.

40. BNDD surveillance (Special Agent Stephen Greene) disclosed that at approximately 3:45 a.m., 10-28-70, Giordano took an airport limousine to Friendship Airport. Giordano enplaned from Friendship at 4:15 a.m. (using the name P. Burdi). Giordano arrived at Kennedy Airport, New York, at 5:00 a.m., October 28, 1970. Giordano met a white female and a white male (meeting the description of Focarile). Giordano then went to LaGuardia Airport. Giordano was seen by Agent Greene at LaGuardia. At 7:00 a.m., October 28, 1970, Giordano enplaned for Buffalo, New York, using the name P. Burdi. Giordano arrived in Buffalo, New York at 8:00 a.m. At 8:45 a.m., Giordano left by airport limousine for the Statler Hilton Hotel, Buffalo, New York. Surveillance was lost for approximately 45 minutes in Buffalo, New York. At approximately 11:30 a.m., surveillance was resumed at the Buffalo Airport. Giordano then flew to Toronto, Canada. Royal Canadian Mounted Police assumed surveillance and observed Giordano at a race track in Toronto, Canada. Giordano used the name P. Burdi for entrance to exit from Canada. Surveillance was lost and then resumed by BNDD agents who saw Giordano at Friendship Airport, Baltimore, at approximately 10:50 p.m., October 28, 1970. Throughout October 27 and 28, 1970, Giordano performed counter surveillance techniques.

41. Because of Giordano's activities on October 26 and 28, 1970, he is apparently receiving his narcotics from the Tuminaro organization (BNDD-AM00004) centered in New York. Focarile has been identified by Region #2 Special Agents as a member of the Tuminaro organization.

42. On October 29, 1970, at 6:55 a.m., (Call 29-11) Giordano placed a call to an unknown male (referred to as @Brooks) at telephone #301-776-7894. This number is listed to Miss Janice E. Marshall, Apt. 201, 100 9th Street, Riverview Apartments, Laurel, Maryland. Brooks was not there.

43. On October 29, 1970, at 10:47 a.m., (Call 29-17) Silverstein called Giordano and they agreed to meet at Bickford's Restaurant at 6:30 p.m. Special Agents Ambrose, Agnese, Sabo, Nelson and Russomanno observed Giordano meet with Silverstein at approximately 6:30 p.m. Special Agent Ambrose observed Giordano give Silverstein what appeared to be an envelope. Giordano and Silverstein then made a phone call from a pay phone booth.

44. On October 29, 1970, at 10:52 a.m., (Call 29-19) SE-1 called Giordano. Giordano told SE-1 that he would call him back at the pay phone at about 1/2 hour later. Giordano called SE-1 at a pay phone booth. Special Agent James E. Quander monitored the call. SE-1 told Giordano that he had a customer from Chicago, Illinois, who wanted one to two kilos of heroin. Giordano became suspicious and warned SE-1 to avoid strangers from out of town citing several narcotic traffickers who were caught that way. Giordano stated to SE-1 that his "people" in New York already had men in Chicago and that SE-1's customer should deal with the local traffickers rather than him. Giordano advised SE-1 that if the customer persisted, SE-1 should obtain his name and address and Giordano's "people" in New York would check him out.

45. On October 29, 1970, at 3:45 p.m., (Call 29-26) Giordano called telephone number 685-8439 and asked for Pettiford.

46. On 10/29/70, at 4:53 p.m. (Call 29-33) Giordano called Pettiford at telephone number 685-8439. Giordano agreed to meet Pettiford at Bickford's Restaurant at 6:30 p.m. Giordano told Pettiford "I'll have that thing for

you." At 6:50 p.m. on 10/29/70, Special Agents Agnese, Russomanno, Hogan, Fencer and Sabo observed Giordano meet with Pettiford at Howard and Fayette Streets. Special Agents Agnese, Russomanno and Sabo observed Giordano put his arm around Pettiford and hand him something. Pettiford and Giordano then departed separately.

47. On 10/29/70, at 10:16 p.m. (Call 29-45) alias Brooks from Laurel, Maryland called Giordano and they agreed to meet at Bickford's Restaurant at 11:30 p.m. on 10/29/70. Alias Brooks was identified by voice as the same individual whom Giordano called at (301) 776-7894, listed to Miss Janice C. Marshall, Apt. 201, 109th Street, Laurel, Maryland. On 10/29/70, at 11:06 p.m. alias Brooks called Giordano (Call 29-47) and Nick stated that he would be five minutes late. During the early morning hours of 10/30/70, Special Agents Medwid and Candell observed a 1969 red Buick Maryland registration EH-1631 listed to Eunice Snowden Brooks, 100 9th Street, Laurel, Maryland, park in front of Bickford's Restaurant at 105 N. Howard Street, Baltimore, Maryland. Special Agents Medwid and Candell then observed a Negro male meet with Giordano in the restaurant.

48. On 10/30/70 at 5:57 a.m. (Call 30-5) alias Johnny Poo called Giordano. Giordano said that he was going to New York to see a guy, "get this thing", and come back.

49. On 10/31/70, at 8:19 a.m., (Call 31-5) alias Johnny Poo called Giordano. Alias Johnny Poo said he was going up to New York City either by train or bus so he can give "Mike" some loot. Giordano told Johnny Poo he can reach "Mike" at 651-5096 (202-651-5096 is listed to Ambrose Musso, 108-23 38th Avenue, Queens, New York. See above, par. 10, for Florence Musso address), or 445-9500. Giordano told alias Johnny Poo that he also might be up to New York City. Giordano also said he wants to get a hold of Roy to discuss a deal.

50. On 10/31/70, at 10:18 a.m., (Call 31-12) Giordano called Elaine Floyd (his daughter) at telephone number

355-1500. Elaine Floyd lives at 4112 Audrey Avenue, 1st floor apartment, Baltimore, Maryland. Giordano told Elaine that he had a lot of money for her to hide for him. She said she would hide it in her basement.

51. Region 4, BNDD Surveillance disclosed that at approximately 12:00 p.m., 10-31-70, Giordano took a Trailways Bus to Washington, D.C., arriving at approximately 1:00 p.m., Giordano walked to the Albert Pick Hotel (12th and K Sts.) and went inside and made a phone call. Giordano went out on the street and waited for approximately 15 minutes. James Albert Williams drove up in a 1970 Buick Electra automobile 545263, listed to James Albert Williams, 2240 13th Street, N.W., Washington, D.C. Giordano entered the vehicle, carrying both attache cases (which he brought from Baltimore) and remained there approximately 5 minutes. Giordano exited the vehicle with the attache cases. Giordano then took a cab to National Airport. There Giordano took a shuttle flight to La Guardia, N.Y. Surveillance of Giordano was lost at La Guardia by Region 2, BNDD agents.

52. On November 1, 1970, at 8:18 a.m. (Call 1-2) Pettiford called Giordano. Pettiford told Giordano that he didn't see the guy. Giordano told Pettiford that he doesn't have the "big one". Pettiford told Giordano that he will call back later. Pettiford wants to talk to Giordano and get something.

53. On 11/1/70, at 9:06 a.m. (Call 1-6) Giordano called telephone number 354-0125. Giordano asked for Roy. Roy was not in.

54. On 11/1/70, at 10:41 a.m. (Call 1-16), alias Johnny Poo called Giordano. Alias Johnny Poo told Giordano that he called "Mike" twenty times in New York and did not get him. Giordano said that he did not get in touch with him either. Alias Johnny Poo told Giordano that he talked with a lot of junkies trying to get information. Giordano stated that "Mike" must be out of town. Giordano contacted a lot of smaller people, but Giordano is waiting on a call from "Mike". Giordano has money he owes "Mike".

55. On 11/1/70, at 10:46 a.m. (Call 1-17) Giordano called telephone number 354-0125. Giordano asked for Roy. Roy was not in.

56. On 11/1/70, at 4:33 p.m., (Call 1-56) Giordano called telephone number 354-0125. Giordano spoke with Roy. Giordano told Roy that he got the other "thing" for him. Giordano told Roy that he will see him on Tuesday.

57. On 11/1/70, at 4:39 p.m. (Call 1-57) an unknown male called Giordano and asked him if he got a hold of "Mike". Giordano said that he did not.

58. On November 1, 1970, 4:47 p.m., (Call 1-58) Giordano called telephone number (212) 651-2025 listed to Florence Musso, Apt. 4-G, 108-28 38th Avenue, Queens, New York. Giordano spoke to an unknown male and asked if he could take care of him tonight. The male answered no. Giordano hung up.

59. On November 1, 1970, at 5:48 p.m., (Call 1-66) Pettiford called Giordano and said he can't see the man until 8:00 p.m. Giordano said he would be ready whenever he is. Pettiford said he will call Giordano back when he is ready.

60. On November 1, 1970, at 7:42 p.m., (Call 1-70) Giordano called James Albert Williams at telephone number (202) 667-7237. Williams said he would not be ready until tomorrow at about 5:00 p.m. Giordano said he would not be here tomorrow.

61. On November 1, 1970, 10:47 p.m., (Call 1-88) Pettiford called Giordano and wanted Giordano to meet him at North and Gay Streets. Giordano said he did not want to go up there. Pettiford said he would call back.

62. On November 1, 1970, 11:31 p.m., (Call 1-89) Pettiford called Giordano and told him he would be there in 3 minutes, and that he was in a cab. Giordano told Pettiford to make it ten minutes same place as last time. BNDD surveillance disclosed that about 12:05 a.m., on November 2, 1970, Pettiford met Giordano at the corner of Mulberry and Park Avenue, Baltimore. Special Agent



Rinehart observed Giordano take a small package from his right coat pocket and hand it to Pettiford. Pettiford then handed Giordano some money and Giordano thumb-ed through the money. Giordano and Pettiford separated. Giordano returned to his residence, and Pettiford was fol-lowed by Special Agents Greene, Farley and Jacob to 1713 North Patterson Park Avenue where Pettiford and a Negro female who accompanied him entered that ad-dress. 1713 North Patterson Park Avenue, Baltimore, Maryland, is listed as owned by James F. Santos.

63. On November 2, 1970, at 9:35 a.m., (Call 2-7) Gior-dano called telephone number 354-0125. Giordano asked for Roy and Roy was not in.

64. On November 2, 1970, 10:56 a.m., (Call 2-10) Gior-dano called telephone number 354-0125 and asked for Roy. Roy was not there. Giordano said he will call back later.

65. On November 2, 1970, at 11:07 a.m. (Call 2-12) Giordano called telephone number 539-9463 and spoke with @Johnny Poo. Giordano told @Johnny Poo that he gave the "order" to the man in New York, and he might go see him.

66. On November 2, 1970, at 11:10 p.m., (Call 2-13) Giordano again called telephone number 539-9463. Gior-dano stated to @Johnny Poo that he wanted to talk to @John. @Johnny Poo said that @John was not there. Giordano said that he was looking for either @John or @Roy because he had a customer to buy the "queen" at a good price and the other "thing."

67. Whereabouts of Giordano were unknown from ap-proximately 4:00 p.m., November 2, 1970 to November 4, 1970.

68. After analyzing the intercepted conversations to and from telephone number (301) 685-2332 and the re-sults of BNDD surveillance, I have determined, based upon my experience as a narcotics law enforcement officer (see Azzam affidavit, 10-16-70, Misc. No. 739), that prob-

able cause exists to conclude that the following individuals are associated with Giordano in illegal narcotics trafficking:

- (a) Michael Focarile—New York supplier
- (b) @Johnny Poo—Giordano's lieutenant
- (c) Herman Lee Pettiford—wholesale customer
- (d) Ronald Blackwell—wholesale customer
- (e) James Albert Williams—wholesale customer
- (f) Stanley Silverstein—wholesale customer
- (g) @Brooks (Name unknown)—wholesale customer
- (h) @John (Name unknown)—wholesale customer
- (i) @Roy (Name unknown)—wholesale customer

69. The full scope of the Giordano organization is not known. Probable buyers such as @Brooks, @John and @Roy have not been identified by name, nor have they been photographed. No description exists for @John and @Roy.

70. Joe Willie Kennedy, Clementine Ransom and Lois Holliday and @Tracey appear to be connected in the Giordano organization; however, probable cause to so link those individuals has not as yet, been developed.

71. Giordano has referred to his "people" in New York; however only one probable supplier has been identified (Michael Focarile). On October 28, 1970, Giordano met with a man and a woman at LaGuardia Airport.

72. Giordano's connection by Buffalo, New York and Toronto, Ontario have not been fully developed.

73. Giordano has referred to numerous individuals (not by name)—as appears from intercepted conversations—who are his customers. These individuals have not been identified in any particular or certain manner.



### UNAVAILABILITY OF OTHER METHODS OF INVESTIGATION

74. Reference is made to Part IV, Ambrose Affidavit, 10/16/70, Misc. No. 739.

75. Giordano told Special Agent Brown that he (Giordano) did not wish to meet Brown. Giordano indicated that he *would deal only* with people whom he trusted. Infiltration of the Giordano organization remains impossible.

76. See Paragraph 44 above where Giordano indicated that he would be wary of strangers and that "his people" in New York could "check out" potential customers.

77. Giordano exhibits the characteristics of a high-level narcotics trafficker—extreme caution. When travelling, he continually uses various counter-surveillance techniques. In his transactions, he limits his contacts to a small number of trusted individuals. In his telephone conversations, he is extremely guarded in what he says and any specific narcotics conversations he makes are from pay phones. Conventional surveillance would be completely ineffective except as an adjunct to electronic interception.

WHEREFORE, your affiant believes that probable cause exists to believe that Nicholas Giordano and other persons referred to in this Affidavit and others as yet unknown are engaged in the commission of offenses involving the importation, receipt, concealment, sale and distribution of narcotics, and conspiracy to do so; that Nicholas Giordano uses the premises Apt. 1304, 8 Charles Plaza, Baltimore, Maryland in this District and within the jurisdiction of this Court to conduct this activity; that he has used and will continue to use the telephone numbered 301/685-2332 at this premises to conduct this activity; that further communications concerning these offenses will take place over this telephone and will be obtained through the interception of these wire communications; and that no other investigative procedures appears likely to succeed.

/s/ Abraham L. Azzam

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

MISCELLANEOUS DOCKET No. 739N

---

APPLICATION OF THE UNITED STATES OF  
AMERICA IN THE MATTER OF EXTENSION  
OF AN ORDER AUTHORIZING THE  
INTERCEPTION OF WIRE COM-  
MUNICATIONS

---

ORDER

To: Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice

Application under oath having been made before me by the United States through its Attorney, Francis S. Brocato, Assistant U. S. Attorney for the District of Maryland, and on "investigative or law enforcement officer" as defined in Section 2510(7) of Title 18, United States Code, for an order authorizing the interception of wire communications pursuant to Section 2518 of Title 18, and full consideration having been given to the matters set forth therein, the court finds:

(a) there is probable cause to believe that Nicholas Giordano and a male @Johnny Pool, Herman Lee Pettiford, Ronald Blackwell, a male @Brooks, James Albert Williams, Stanley, Silverstein, a male @John, a male @Roy, Michael Focarile, and others as yet unknown, have committed, and are committing, offenses involving the receiving, concealing, buying, and selling of illegal narcotic drugs, and the purchase, sale or dispensing of narcotic drugs which are not in or from the original stamped package, and the sale or exchange of narcotic drugs without written order forms in violation, respectively, of 21 USC § 174 and 26 USC

§§ 4704(a), 4705(a), and 7237(a) and (b), and a conspiracy to violate the aforesaid offenses.

(b) there is probable cause to believe that wire communications concerning these offenses will be obtained through the interception, authorization for which is herein applied for. In particular, these wire communications will be between Nicholas Giordano and his suppliers (Michael Focarile and others yet unknown) concerning: the date, time and place, illegal narcotic drugs will be delivered to Nicholas Giordano. Also, these wire communications will be between Nicholas Giordano and his buyers (a male @Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male @Brooks, James Albert Williams, Stanley Silverstein, a male @John, a male @Roy and others yet unknown) concerning: the date, time and place Nicholas Giordano will deliver illegal narcotic drugs or cause illegal narcotic drugs to be delivered to his buyers.

(c) normal investigative procedures reasonably appear to be unlikely to succeed and are too dangerous to be used.

(d) there is probable cause to believe that the telephone listed in the name of Nicholas Giordano, and located at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and carrying the telephone number (301) 685-2332, has been used, is being used, and will be used, in connection with the commission of the offenses described above and is commonly used by Nicholas Giordano, a male @Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male @Brooks, James Albert Williams, Stanley Silverstein, a male @John, @Roy, Michael Focarile, and others as yet unknown.

WHEREFORE, it is hereby ordered that:

Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized pursuant to application authorized by the Assistant Attorney General for the Criminal Division of the United States Department of Justice, the Honorable Will Wilson, who

has been specially designated in this proceeding by the Attorney General of the United States, the Honorable John N. Mitchell, to exercise the powers conferred on him by Section 2516 of Title 18, United States Code, to:

(1) intercept wire communication of Nicholas Giordano, a male @Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male @Brooks, James Albert Williams, Stanley Silverstein, a male @John, a male @Roy, Michael Focarile, and others as yet unknown concerning the above-described offenses to and from the telephone listed in the name of Nicholas Giordano and located at Apt. 1304, 8 Charles Plaza, Baltimore, Maryland, and bearing the telephone number (301) 685-2332.

(2) such interception shall not automatically terminate when the type of communication described above in paragraph (b) has first been obtained, but shall continue until communications are intercepted which reveal the details of the scheme which has been used by Nicholas Giordano and a male @Johnny Poo, Herman Lee Pettiford, Ronald Blackwell, a male @Brooks, James Albert Williams, Stanley Silverstein, a male @John, a male @Roy, Michael Focarile and others as yet unknown to receive, conceal, buy, and sell illegal narcotic drugs, and the identity of his confederates, their places involved therein, or for a period of fifteen (15) days from the date of this order, whichever is earlier.

PROVIDING THAT, this authorization to intercept wire communications shall be executed as soon as practicable after signing of this order and shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code, and must terminate upon attainment of the authorized objective, or, in any event, at the end of fifteen (15) days from the date of this order.

PROVIDING ALSO, that Francis S. Brocato, Assistant U. S. Attorney for the District of Maryland, shall provide the court with a report on the 2nd, 4th, 8th, 10th, 12th,

14th, and 15th day following the date of this order showing what progress has been made toward achievement of the authorized objective and the need for continued interception.

/s/ Edward S. Northrop  
Chief Judge, U.S. District Court

Date: 6th November, 1970

True copy

Test:

Paul R. Schlitz  
Clerk

/s/ M. A. Heinzerling  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

Misc. No. 737

APPLICATION OF THE UNITED STATES OF AMERICA IN THE  
MATTER OF AN ORDER AUTHORIZING THE INSTALLATION  
OF A DEVICE TO REGISTER TELEPHONE NUMBERS CALLED  
FROM THE TELEPHONE NUMBERED 301/685-2332

---

ORDER

TO: Special Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice

This matter having come on before the Court upon application of the United States, through its attorneys, George Beall, United States Attorney for the District of Maryland and Francis S. Brocato, Assistant United States Attorney for said District, and one Abraham L. Azzam, a Group Supervisor of the Bureau of Narcotics and Dangerous Drugs (BNDD), for an Order authorizing the continuation of a device to register telephone numbers called from the telephone subscribed by Dominic Nicholas Giordano (Giordano) and full consideration having been given to the matters set forth, the affidavit of Abraham L. Azzam being attached, the Court finds:

A. There is probable cause to believe that Giordano of Baltimore, Maryland, within this District, is committing, and is about to commit, and is conspiring with other persons to commit, offenses involving the sale of narcotic drugs in violation of 21 USC § 174, 26 USC §§ 4704(a) and 4705(a).

B. There is probable cause to believe that the telephone located at Apartment 1304, 8 Charles Plaza, Baltimore, Maryland, subscribed by Nicholas Giordina (Dominic Nicholas Giordano) and carrying telephone number

301/685-2332 is being used and is about to be used by Giordano in connection with the commission of the above-mentioned offenses involving the use of communication facilities in committing, attempting to commit, or conspiring to commit narcotic offenses in violation of 18 USC § 1403.

C. There is probable cause to believe that telephone numbers presently being called from the telephone subscribed to by Giordano and carrying telephone number 301/685-2332 are being called by Giordano and that these calls relate to narcotics transactions.

WHEREFORE, it is hereby ORDERED that:

Agents of the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, are authorized to:

Continue in use a device which will register the telephone numbers called from the telephone subscribed to by Giordano and carrying number 301/685-2332.

PROVIDING THAT, this authorization to register telephone numbers called shall be executed as soon as practicable after signing this Order and must terminate in fifteen (15) days from the date of this Order.

IT IS FURTHER ORDERED that this Order be sealed and that two (2) certified copies thereof be issued to Special Agent Wayne A. Ambrose, Jr. of BNDD.

/s/ Edward S. Northrop  
EDWARD S. NORTHROP  
Chief Judge  
U. S. District Court  
for the District of Maryland

Date: 11-6-70

---

CR. No. 70-0483

UNITED STATES OF AMERICA

v.

MICHAEL FOCARILE, et al.

---

CR. No. 70-0486

UNITED STATES OF AMERICA

v.

DOMINIC NICHOLAS GIORDANO

---

CR. No. 70-0487

UNITED STATES OF AMERICA

v.

DOMINIC NICHOLAS GIORDANO and  
MICHAEL FOCARILE



## ORDER

Upon the Court's Motion, it is this 24th day of January, 1972,

ORDERED that by the close of business on January 27, 1972, Francis S. Brocato, Assistant U.S. Attorney for the District of Maryland, submit to this Court an Affidavit or Affidavits, if necessary, setting forth the facts relating to the authorization and approval of the initial Wire Tap Order and Extension thereof involved in these cases; and

IT IS FURTHER ORDERED that Francis S. Brocato, Assistant U.S. Attorney, furnish a copy of said Affidavit or Affidavits to counsel of record by January 28, 1972; and

IT IS FURTHER ORDERED that counsel of record may file motions, if they so choose, based upon the Affidavit or Affidavits submitted to them; in any event, such motions must be filed with this Court no later than January 31, 1972; and

IT IS FURTHER ORDERED that should such motions be filed, argument will be held before this Court at 10:00 a.m., February 1, 1972, and

IT IS FURTHER ORDERED that Francis S. Brocato, Assistant U.S. Attorney, serve a copy of this Order on all counsel of record in the above-captioned cases.

/s/ James R. Miller, Jr.  
Judge

True copy  
Test:

Paul R. Schlitz  
Clerk

/s/ George W. Howard  
Deputy Clerk

---

Cr. No. 70-0483

UNITED STATES OF AMERICA

v.

MICHAEL FOCARILE, et al.

---

Cr. No. 70-0486

UNITED STATES OF AMERICA

v.

DOMINIC NICHOLAS GIORDANO

---

Cr. No. 70-0487

UNITED STATES OF AMERICA

v.

DOMINIC NICHOLAS GIORDANO and  
MICHAEL FOCARILE

## ORDER

Upon the Court's Motion, it is this 24th day of January, 1972,

ORDERED that by the close of business on January 27, 1972, Francis S. Brocato, Assistant U.S. Attorney for the District of Maryland, submit to this Court an Affidavit or Affidavits, if necessary, setting forth the facts relating to the authorization and approval of the initial Wire Tap Order and Extension thereof involved in these cases; and

IT IS FURTHER ORDERED that Francis S. Brocato, Assistant U.S. Attorney, furnish a copy of said Affidavit or Affidavits to counsel of record by January 28, 1972; and

IT IS FURTHER ORDERED that counsel of record may file motions, if they so choose, based upon the Affidavit or Affidavits submitted to them; in any event, such motions must be filed with this Court no later than January 31, 1972; and

IT IS FURTHER ORDERED that should such motions be filed, argument will be held before this Court at 10:00 a.m., February 1, 1972, and

IT IS FURTHER ORDERED that Francis S. Brocato, Assistant U.S. Attorney, serve a copy of this Order on all counsel of record in the above-captioned cases.

/s/ James R. Miller, Jr.  
Judge

True copy

Test:

Paul R. Schlitz  
Clerk

/s/ George W. Howard  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

CRIMINAL No. 70-0483-M  
UNITED STATES OF AMERICA

vs.

MICHAEL FOCARILE, et al.

---

CRIMINAL No. 70-0486-M  
UNITED STATES OF AMERICA

vs.

DOMINIC NICHOLAS GIORDANO, et al.

---

CRIMINAL No. 70-0487-M  
UNITED STATES OF AMERICA

vs.

DOMINIC NICHOLAS GIORDANO, et al.

---

ORDER

It having been represented to this court by Francis S. Brocato, Assistant United States Attorney for the District of Maryland, that the United States Government is unable to comply with the order of January 24, 1972 to submit affidavits to this court by January 27, 1972, it is this 27th day of January, 1972, by the United States District Court for the District of Maryland,

ORDERED that Francis S. Brocato, Assistant United States Attorney, shall be granted an extension of time to produce said affidavit or affidavits until 5 p.m., on February 1, 1972; and it is further

ORDERED that Francis S. Brocato, Assistant United States Attorney, furnish a copy of said affidavit or affidavits to counsel of record by February 2, 1972; and it is further

ORDERED that the counsel of record may file motions, if they choose, based upon the affidavit or affidavits submitted to them; in any event, such motions must be filed with this court no later than 12 Noon, on February 7, 1972; and it is further

ORDERED that should such motions be filed, argument will be held thereon before this court at 9 a.m., February 8, 1972; and it is further

ORDERED that Francis S. Brocato, Assistant United States Attorney, send a copy of this order to all counsel of record.

/s/ James R. Miller, Jr.  
United States District Judge

I hereby attest and certify on January 27, 1972 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

/s/ Paul R. Schlitz  
Clerk, U.S. District Court  
District of Maryland

/s/ By George W. Howard, III  
Deputy

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

Criminal No. 70-0483

UNITED STATES OF AMERICA

v.

MICHAEL FOCARILE, ET AL.

---

Criminal No. 70-0486

UNITED STATES OF AMERICA

v.

DOMINIC NICHOLAS GIORDANO

---

Criminal No. 70-0487

UNITED STATES OF AMERICA

v.

DOMINIC NICHOLAS GIORDANO

---

SUPPLEMENTAL MOTION TO SUPPRESS

Now comes the Defendant, Dominic Nicholas Giordano, by his attorney, H. Russell Smouse, and by way of supplement to the Motion to Suppress heretofore filed, sets forth the following point to be considered by this Honorable Court in addition to those points which have already been raised, argued and briefed in support of said motion.

1. That the United States Department of Justice acted improperly in the manner in which it obtained authorization and approval of the application for the (Title III

Wiretap) Order of October 16, 1970. That the facts setting forth the handling of said authorization and approval of application for a wiretap order are set forth in the affidavits of Sol Lindenbaum, Executive Assistant to the Attorney General of the United States and Harold P. Shapiro, Deputy Assistant Attorney General, Criminal Division, Department of Justice, both dated January 28, 1972, which said affidavits have been filed by the Government as part of the record in this case. That the affidavits aforesaid, and the relevant facts underlying application for the October 16 (Wiretap) Order, demonstrate a clear violation of 18 U.S.C., § 2516(1).

2. That this Defendant reiterates his reliance on the grounds originally cited to the Court in support of the original Motion to Suppress and the points and authorities submitted in support thereof. That this additional ground is being raised due to the handling of the wiretap applications in the instant case by the United States Department of Justice as first revealed subsequent to *U.S. v. Robinson* (5th Cir., January 12, 1972) 40 Law Week 2454. That following the revelations of Robinson (more familiarly known as the Escandar case), counsel for this defendant called Francis S. Brocato, Assistant United States Attorney for the District of Maryland, on January 18, 1972, and made inquiry as to whether the facts with regard to the application here made by the Government to Chief Judge Edward S. Northrop for the Order of October 16, 1970 and the Extension Order of November 6, 1970 were, in fact, as had been represented to the Court. Mr. Brocato indicated that Will Wilson, Assistant Attorney General in charge of the Criminal Division of the Department of Justice had the requisite authority to authorize application for the Title III Order and that, in any event, the Attorney General of the United States had undoubtedly reviewed the moving papers. Subsequent to this, Mr. Brocato, on learning the true facts, very commendably called counsel for this Defendant on Monday, January 24, 1972, and advised that the underlying facts with regard to authorization, approval and handling of the application by the Department of Justice and the authorization for submission to the Court

of application for the Title III wiretap orders were perhaps not as originally represented.

That counsel for this Defendant thereupon sought a meeting with Honorable James R. Miller, Jr. on January 24, 1972, which said meeting gave rise to the Order of that date directing the Government to file affidavits herein setting forth the relevant facts. That the affidavits now submitted by the Government clearly indicate that the facts herein are in line with the factual situation which obtained in Escandar and that the Government, accordingly, acted in contravention of the statutory mandate of 18 U.S.C., § 2516(1).

---

H. RUSSELL SMOUSE  
1700 First National Bank Building  
Baltimore, Maryland 21202  
Counsel for Defendant,  
Dominic Nicholas Giordano

*Points and Authorities*

- 18 U.S.C.S., § 2516 (1)  
*U.S. v. Robinson* (5th Cir., January 12, 1972) 40  
 Law Week 2454  
*U.S. v. Aquino, et al.* (E.D. Mich., January 17,  
 1972), unreported, opinion by Judge Cornelia G.  
 Kennedy  
*U.S. v. Ciral* (W.D. Pa., January 13, 1972), unre-  
 ported, opinion by Judge Gerald J. Weber

Respectfully submitted,

---

H. RUSSELL SMOUSE  
Counsel for Defendant,  
Dominic Nicholas Giordano



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

Criminal No. 70-0483

UNITED STATES OF AMERICA

*vs.*

MICHAEL FOCARILE, ET AL.

---

Criminal No. 70-0486

UNITED STATES OF AMERICA

*vs.*

DOMINIC NICHOLAS GIORDANO

CRIMINAL No. 70-0487

UNITED STATES OF AMERICA

vs.

DOMINIC NICHOLAS GIORDANO

and

MICHAEL FOCARILE

---

AFFIDAVIT

District of Columbia:

Sol Lindenbaum being duly sworn deposes and says:

At the times of the acts related in this affidavit I was and I am now the Executive Assistant to the Attorney General of the United States. I assist the Attorney General in the review of various matters which require his personal attention such as opinions, interpretations, decisions of the Board of Immigration Appeals, applications for pardon and other forms of Executive clemency, anti-trust complaints, contracts, agreements, and proposed offers in compromise. See Title 28, Code of Federal Regulations, Section 0.6.

The Attorney General has refrained from designating any Assistant Attorney General to authorize, without his approval, the making of an application for an order permitting the interception of wire or oral communications under Title 18, United States Code, Section 2516(1). Rather, the Attorney General has required that all requests for such authorization be referred to him for consideration. In the normal course of my duties, I review such requests and make recommendations to the Attorney General thereon. I have routinely reviewed such requests since February 1969 and, accordingly, have become famil-

iar with the applicable statutory requirements and the actions taken by the Attorney General on such requests.

On October 16, 1970, the Criminal Division of the Department of Justice addressed to the Attorney General a request for approval of an authorization to apply for an interception order initiated by the Director of the Bureau of Narcotics and Dangerous Drugs and related to a certain telephone in Baltimore, Maryland, allegedly used by Nicholas Giordina and others. The request was accompanied by copies of the proposed affidavit, application, and order, as well as a recommendation for approval from the Criminal Division. I reviewed the submitted material and concluded that the request in this case satisfied the requirements of the statute. I also concluded, from my knowledge of the Attorney General's actions on previous cases, that he would approve the request if submitted to him. Because the Attorney General was on a trip away from Washington, D.C. I approved the request pursuant to the authorization which he had given to me to act in the circumstances and caused his initials to be placed on a memorandum to Will Wilson. The memorandum, a copy of which is attached, approved a request that authorization be given to Francis S. Brocato to make application for an interception order.

On November 6, 1970 the Attorney General approved a request that authorization be given to Francis S. Brocato to make application for an order continuing the interception on the telephone in Baltimore, Maryland, allegedly used by Nicholas Giordano and others. Attached is a copy of the Attorney General's personally initialed memorandum of that date to Will Wilson reflecting his favorable action on the request.

/s/ Sol Lindenbaum  
Executive Assistant of the Attorney  
General of the United States

Subscribed and sworn to before me this 28th day of January, 1972.

Audrey Anne Crump

UNITED STATES GOVERNMENT  
DEPARTMENT OF JUSTICE  
MEMORANDUM

October 16, 1970.  
(JNM:PTW:skh)

## TO:

Will Wilson  
Assistant Attorney General  
Criminal Division

## FROM:

John N. Mitchell  
Attorney General

Subject: *Interception Order Authorization*

This is with regard to your recommendation that authorization be given to Assistant United States Attorney Francis S. Brocato, District of Maryland, to make application for an Order of the Court under Title 18, United States Code, Section 2518, permitting the interception of wire communications for a twenty-one (21) day period to and from telephone number 301-685-0211, located at 8 Charles Plaza, Apartment 1304, Baltimore, Maryland, in connection with the investigation into possible violations of Title 21, United States Code, Section 174 and 26 United States Code, Sections 4704(a), 4705(a) and 7237(a) and (b) by Nicholas Giordina and others as yet unknown.

Pursuant to the powers conferred on me by Section 2516 of Title 18, United States Code, you are hereby specially designated to exercise those powers for the purpose of authorizing Francis S. Brocato to make the above-described application.

---

UNITED STATES GOVERNMENT  
DEPARTMENT OF JUSTICE  
MEMORANDUM

November 6, 1970.  
(JNM:PTW:lrt)

## TO:

Will Wilson  
Assistant Attorney General

## FROM:

John M. Mitchell  
Attorney General

Subject: *Interception Order Authorization Extension*

This is with regard to your recommendation that authorization be given to Assistant United States Attorney Francis S. Brocato, District of Maryland, to make application for an Order of the Court under Title 18, United States Code, Section 2518, permitting the continued interception of wire communications for a fifteen (15) day period to and from telephone number 301-685-2332 in connection with the investigation into possible violations of 21 U.S.C. 174 and 26 U.S.C. 4704(a), 4705(a), and 7237(a) and (b) and a conspiracy to violate these offenses by Nicholas Giordano and others.

Pursuant to the power conferred on me by Section 2516 of Title 18, United States Code, you are hereby specially delegated to exercise that power for the purpose of authorizing Francis S. Brocato to make the above-described application.

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

---

CRIMINAL No. 70-0483

UNITED STATES OF AMERICA

vs.

MICHAEL FOCARILE, *et al.*

---

CRIMINAL No. 70-0486

UNITED STATES OF AMERICA

vs.

DOMINIC NICHOLAS GIORDANO

CRIMINAL No. 70-0487

UNITED STATES OF AMERICA  
vs.  
DOMINIC NICHOLAS GIORDANO  
and  
MICHAEL FOCARILE

---

AFFIDAVIT

District of Columbia:

Harold P. Shapiro, being duly sworn, deposes and says:

At the times of the events related in this affidavit, I was a Deputy Assistant Attorney General in the Criminal Division of the United States Department of Justice.

This affidavit describes the processing within the Criminal Division of the Department of Justice of two requests for authorization to make application to a Federal Court for wire interception orders. Both requests related to a certain telephone in Baltimore, Maryland, allegedly used by Nicholas Giordina or Nicholas Giordano and others.

The formal requests for authorization to apply for wire interception orders were made by the Director of the Bureau of Narcotics and Dangerous Drugs on October 15 and November 5, 1970, respectively. Prior to action on each request, the respective Departmental working file, which included copies of the proposed affidavit, application, and order, was reviewed in a special unit of the Organized Crime and Racketeering Section of the Criminal Division by an attorney whose primary function was to review the entire matter for form and substance with particular emphasis on assuring strict adherence to the required statutory, judicial and Constitutional standards. The attorney of that unit handling the requests, Philip T. White, reviewed the files and recommended favorable action on the requests. The files were then submitted for review to Kurt W. Muellenberg, Deputy Chief, and to William S. Lynch, Chief, Organized Crime and Racketeering Section, respectively, who recommended approval and sent them to me. I examined the files and forwarded them

to the Office of the Attorney General with detailed recommendations that the authorizations be granted. As part of my examination of the files, I reviewed the letters of October 16 and November 6, 1970, to Francis S. Brocato advising him that he was authorized to present the applications to the court, initialed the file copies, and authorized their dispatch upon approval of the request for application in the Office of the Attorney General.

/s/ Harold P. Shapiro  
Deputy Assistant Attorney General  
Criminal Division

Subscribed and sworn to before me this 28th day of January, 1972.

Audrey Anne Crump  
My Commission expires August 31, 1976.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Number 70-0483 M Criminal

THE UNITED STATES

*vs.*

DOMINIC NICHOLAS GIORDANO, ET AL.

Baltimore, Maryland

February 8, 1972

The above-entitled case came on for hearing of motion before His Honor, James R. Miller, at 9:00 o'clock a.m.

APPEARANCES

*For the Government:*

FRANK S. BROCATO, ESQUIRE

*For the Defendants:*

H. RUSSELL SMOUSE, ESQUIRE

HOWARD L. CARDIN, ESQUIRE

PHILLIP M. SUTLEY, ESQUIRE

\* \* \* \*

[32] drafted. I believe, if anything, the legislative history is clear upon the fact that they were interested in an idea, and they were interested in the fact that there has to be close supervision at the highest levels of Government. But if you're going to ask them the specific issues involved where you have specific things happening, you'll find that it wasn't considered. And I believe that if it had been considered by them, it wouldn't bother them at all because the process went through—The fact of the matter is that there was a review process, a very



careful review process, involved in these cases, as there is in all Title 3 cases, which very, very, very carefully circumscribe the exercise of the power.

THE COURT: Well, if I understand your position, or the Government's position, Mr. Brocato, it is that the Attorney General has never delegated his authority in this regard—

MR. BROCATO: He has not.

THE COURT: —and specifically in this case, he did not.

MR. BROCATO: That's correct.

THE COURT: So, then, you will stand or fall, forgetting for the moment your argument about harmless error and that part of it, you stand [33] or fall on the argument that the Attorney General has himself exercised his responsibilities in this case?

MR. BROCATO: Yes, sir.

THE COURT: Now, how do you square that with every document in this case—That is, the letter signed by Will Wilson, which says: I have reviewed your request and the facts and circumstances and I have done this, I have determined that there exists probable cause and so on—The authorization doesn't say anything about the Attorney General having done that, or the Attorney General having made me just a communicator of the fact that he has reviewed it and he has done so and so?

MR. BROCATO: Your Honor, it was public knowledge that the Attorney General had not given a specific delegation in this regard to the Assistant Attorney General, but that the delegation, if you want to call it a delegation, became nothing but a ministerial act; it became an ad hoc delegation. The letter, I believe, if read, indicates that he was specially designated in the premises; that is, that the Attorney General had told him that he could or should, in this particular case, authorize, in this particular case, myself; that is, the letter, if carefully read, indicates that the Attorney General had told Will Wilson [34] to authorize me, and if you look at the report on applications for orders authorizing or approving the interception of wire or oral communications,

which is a public document, which is required by the Congress to be presented to the Court—

THE COURT: Well, I'm reading the letter, and I think somewhat carefully, it says, in the second paragraph: I have reviewed your request and the facts and circumstances and have determined—Now, that would mean I have determined—that probable cause exists to believe, and so on. And it says: I have further determined that there exists probable cause to believe, and so on.

MR. BROCATO: Yes.

THE COURT: It doesn't say somebody else has determined, and I have been delegated to advise you of the facts.

MR. BROCATO: Sir—

THE COURT: And then it goes on to say: Accordingly, you are hereby authorized under the power specially delegated to me in this proceeding by the Attorney General, the Honorable John N. Mitchell.

MR. BROCATO: That is the moving language.

THE COURT: All right. But why, \* \* \*

\* \* \*

[36] case it was Harold Shapiro who reviewed it.

THE COURT: Well—All right.

MR. BROCATO: In fact, as I have indicated to the Court, you will find that almost—There are no letters which were actually signed by Will Wilson in any Title 3.

THE COURT: But what you are now saying, as I get it, Mr. Brocato, then, is that—Well, are you saying that the letter of October the 16th correctly reflects what happened or not?

MR. BROCATO: The letter of October 16th is absolutely truthful in that it correctly reflects what happened at his level; that is, the level of the Assistant Attorney General. Because when you view—First of all, I'll go through this serially, if I may. There had always been, as a matter of public document, the report of the Administrative Office of the Courts. If you will look at the reports of the Administrative Office of the Courts, you will see that the—They show an Assistant Attorney

General designating, but there is a footnote, and you will find that the reports for '69—There were no taps in '68, the reports for '69, the reports for '70 indicate that the Attorney General personally approved each of the reported applications, and, as authorized by the provisions

\* \* \* \*

[43] process.

THE COURT: I think he could—

MR. BROCATO: With recommendations—

THE COURT: —have done that without delegating anybody.

MR. BROCATO: With recommendations—Your Honor, the determination of what they did here is—becomes almost boiler plate. They plug in statutes, they say that the letter comes from Will Wilson, which indeed it comes from his office. But the fact of the matter is that everybody knows now, and everybody knew then, that the final decision was made by the Attorney General, that the Attorney General had never made any general designation in these cases, that the Attorney General wanted to review all of these and keep the power to himself, and that the Attorney General would not allow Will Wilson to make the determination himself, or in his office to make the determination, and that Will Wilson did not have the authority at his level to one, make a determination generally; or two, even to review generally the Giordano tap or indicate names. When I'm talking about names, it isn't the names which are important, it's the policy. It's the type of tap involved. These are facts.

I believe that all that can be said [44] about the letter is that it is, perhaps, ambiguous. I think, however, that the ad hoc basis and the special designation is clear enough. Also, when you view the fact that it had been public knowledge that the Attorney General reviews them himself.

THE COURT: Well, you say it's public knowledge, but there was a lot of public that didn't have any idea of it apparently, including the Court of the Fifth Circuit in—

MR. BROCATO: Sir—

THE COURT: In Florida, isn't it?

MR. BROCATO: Yes, sir. Your Honor, I didn't have any specific knowledge of it myself—

THE COURT: Pennsylvania.

MR. BROCATO: —also, as to how it was exercised specifically. And in order—With all candor. And in order to find out how the power was exercised specifically, I'm afraid that I had to go to Washington and speak with Sol Lindenbaum personally. But, I know now how it was exercised. I realize that the Court's point is that—

THE COURT: It would appear that Will Wilson wasn't too clear about it either, at least according to his letter.

MR. BROCATO: Your Honor, speaking with \* \* \*

\* \* \* \* \*

[56] you know, specific action as to indicating what was told to the Court, the letter, I believe, indicates what was told to the Court. He did act, he did make those findings.

THE COURT: Who did act?

MR. BROCATO: Well, the office of the—The problem here, Judge, is that I can't tell you who signed it. I know that Will Wilson personally made none of those determinations, but indeed with regard to the Court's reasoning in this case, that would apply to every Title 3 throughout the United States, because Will Wilson made no determinations at any point, and it's very surprising if you find a letter which was signed by Will Wilson. In fact, we were trying to find out—I recall personally when we were trying to find out who signed the Will Wilson letter, and they indicated maybe Will Wilson signed it, and everyone laughed. And they had to find an actual piece of paper which was signed by Will Wilson, which was awfully difficult to find, but finally they did, but it wasn't Will Wilson who had signed that letter.

But, in any event, the issue which you have raised with regard to the letter itself and pointing out where the—and pointing out to the Court where the power lay, that that issue is [57] involved in practically—in every Title 3, as I'm sure the Court's aware, because of the vast number of cases which respond now in almost every

Title 3 where the issue of the Will Wilson letter comes to the fore. And I realize the Court's not concerned with who signed Will Wilson's name, but every time the Court in any case is presented with a so-called document of authorization, which is the Will Wilson letter which are presented in these cases, they became boiler plate out of the organized crime division of the Department of Justice. So that every letter that you're dealing with, whether in this case or any other case, is the same, insofar as the style is concerned. It became a piece of boiler plate where they plugged in the factual situation.

THE COURT: Well, the other cases were not argued, apparently, on the theory that the Attorney General himself authorized it. They were argued on both theories; that is, that the Attorney General delegated, through somebody else, to Will Wilson and Will Wilson delegated to somebody else his exercise of his authority. But you're short-circuiting, or eliminating, the second part of it to stay with the Attorney General exercising the sole responsibility; therefore, the cases, I think, are not [58] the same.

MR. BROCATO: Well, sir, I believe that even Judge Kennedy's case in—or Judge Kennedy's decision in Aquino is on point because of the determination which she made with regard to the initial authorization. There she held that the Attorney General himself personally made the application, or authorized the making of the application.

THE COURT: She did that because his initials appeared to be on it. I wonder. His initials appear to be on the ones in this case, too.

MR. BROCATO: Well, sir, there's a method of finding out, also. If you will look at them, you'll see that his initials are on all authorizations. However, the initials of November 6th, 1970, are his initials, and the initials of October 16th, 1970, are Sol Lindenbaum's initials, and that's how they tell.

THE COURT: Sol Lindenbaum's initials?

MR. BROCATO: Yes, sir. They are the initials of the Attorney General, as written by Sol Lindenbaum.

THE COURT: All right.

MR. BROCATO: And they can tell that by \* \* \*

\* \* \*

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 72-1407

[Filed Oct. 31, 1972, William K. Slate, II, Clerk]

UNITED STATES OF AMERICA, APPELLANT

vs.

DOMINIC NICHOLAS GIORDANO, a/k/a NICK GINO, a/k/a  
P. BURDI, a/k/a NICK GIORDINA; JAMES ALBERT WAL-  
LACE, a/k/a BUFFALO REDS, a/k/a REDS; HERMAN LEE  
PETTIFORD, a/k/a SKEETS, a/k/a SKEEZIE; RONALD E.  
BLACKWELL; MARGARET HARRIS, a/k/a PAT; STANLEY  
SILVERSTEIN; SAMPSON WILLIAMS; ROY LEE DAVIS,  
a/k/a MR. FAIRFIELD, a/k/a FAIRFIELD; JACK BALD-  
WIN, APPELLEES

*Appeal from the United States District Court  
for the District of Maryland*

JUDGMENT

This cause came on to be heard on the record from the United States District court for the District of Maryland, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from, in this cause, be, and the same is hereby, affirmed.

/s/ William K. Slate, II  
Clerk

SUPREME COURT OF THE UNITED STATES

No. 72-1057

UNITED STATES, PETITIONER

*v.*

DOMINIC NICHOLAS GIORDANO, ET AL.

ON CONSIDERATION of the motion of respondent Giordano for leave to proceed in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

March 26, 1973

110

SUPREME COURT OF THE UNITED STATES

No. 72-1057

UNITED STATES, PETITIONER

*v.*

DOMINIC NICHOLAS GIORDANO, ET AL.

ORDER ALLOWING CERTIORARI—Filed March 26, 1973

The petition herein for a writ of certiorari to the United States Court of Appeals for the Fourth Circuit is granted.